United Nations A/HRC/39/NGO/20

General Assembly

Distr.: General
29 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14211(E)
1814211

Please recycle

Yemen: Children under Fire**

Yemenis have been increasingly suffering as a result of the ongoing military operations led by Saudi Arabia in Yemen, since March 2015. The escalating aggressive acts and practices have directly reflected on the lives of civilians, deprived them of their most basic essential needs and infringed many of their human rights.

The coalition continues to impose a comprehensive siege on all Yemen's entries, seaports and airports. Apart from their control and blockade over most of the seaports and airports, the coalition has also imposed tough restrictions on the entry of basic commodities, including humanitarian imports such as food and medicine.

Most airports are under the control of the Saudi-led coalition and they operate under their supervision. The rest of the airports, which are under the Houthis' authority, have been fully closed as Sanaa International Airport, where air traffic has been completely halted, since August 2016, although it is considered the main port of Yemen's air traffic, serving annually more than 8 million passengers. This closure has been regarded as a collective punishment against Yemenis, turned Yemen into a large prison and created an unspeakable humanitarian tragedy.

Further, the coalition forces have banned some journalists from entering Yemen and also prevented them from boarding the United Nations' plane, which limits the news coverage and imposes a media blackout. In May, the ban also extended to restrict the work of the human rights organisations.[1]

In August 2016, President Abdrabbuh Mansour Hadi issued a verdict to transfer Yemen's Central Bank from Sanaa; the capital, to Aden province, which is controlled by the coalition. Since then, the payment for public employees' salaries has been interrupted despite it was going on normally since the onset of the war against Yemen.

Since the very beginning of June 2018, the tragic scene in Yemen has been worsened due to the Saudi-led coalition's new military operations to control the coastal province of Hodeida; the only active maritime ports for imports and humanitarian aid to millions of people.

Certainly, children are the most affected category because of the conflict's continuation and the mounting of violence. The deteriorating humanitarian situation and the collapse of public services have deprived millions of children of adequate food and private health care. A large number of schoolchildren have not been able to complete their education and work instead to help their families provide daily maintenance. In addition, thousands of children are at risk of trafficking and joining armed groups.

According to UN indicators until June 2017, the number of people in need of humanitarian assistance has increased to 24.1 million out of 27.4 million; the total population. Nearly 90% of the population currently need humanitarian assistance to secure their basic needs of food, water, education, health and housing.

Approximately around 19 million people are in urgent need of food aid; 7 million among them are at risk of famine. This indicates a dramatic decline in the proportion of food insecure, raising the total number of people who are having difficulty accessing their food and having adequate meals.

According to Yemen's Humanitarian Response Plan 2017, more than 21.5 million people have lost access to basic health care, including 8.8 million people living in areas lacking the most basic health services in the absence of various medical supplies and aids.

The outbreak of the cholera epidemic in Yemen was officially announced in October 2016, and the epidemic has dreadfully spread in a number of Yemeni governorates. Up to February 2018, there were 16 million and 16,000 cases of which 2236 have died. Curiously, the incidence of diphtheria has been recently observed; as local organisations recorded 44 deaths.

The status quo in Yemen has become tragic in terms of the increasing number of children victims due to the acceleration of violence and conflicts. The number of child murders has dramatically increased, over the past two years, indicating that the Saudi-led coalition have violated the rules and principles of international law. According to statistics, 91% of the total children have been injured because of the coalition's air raids. Additionally, 5 of 6 children are dying per day and more than 5.4 million children are at risk of childhood diseases; amid the decline of healthcare, immunisation and nutrition services.

More than 10 million children suffer from serious psychological effects that negatively affect their thinking, feelings, behaviours, and relationships. More than 58.2% of children are very fearful, more than 37% are anxious, 36.4% are insecure and 32% 7% suffer from sleep problems due to fear of the sounds of explosions resulting from air raids, aircraft sounds and anti-aircraft, as well as fear of darkness as a result of the continuous power outages.

[1] Amnesty International report on Yemen 2017|2018.

International organisations, including Human Rights Watch, Amnesty International and the European Union, have reported that the Saudi-led coalition is using high-risk weapons and ammunition against Yemen. Indeed, medical reports indicate that various Yemeni areas, which have been hit by cluster, phosphorous and vacuum would witness cases of malformations; significantly among embryos and newborns, especially in the capital Sanaa, Saada province, Hodeida and parts of the province of Taiz.

More than 4.5 million Yemeni children are deprived of their right to education. During the years of the military operations, which still ongoing to the moment of the writing this report, hundreds of schools and educational facilities have been destroyed. In addition, dozens of schools have been used to house the IDPs who have been forcibly displaced from their homes in more than one Yemeni region, leading to a dramatic deterioration in the education sector.

Recommendations

1. To immediately suspend all the Saudi-led coalition's operations in Yemen; to completely lift the blockade and to open airports and seaports.
2. To urge the Yemeni parties to stop all forms of conflict and engage in serious negotiations to ensure that Yemenis are spared the scourge of war.
3. To form an independent international commission in order to investigate all the committed atrocities and violations. These violations include the crimes practiced by the coalition against children and women and against detainees in secret prisons; such as systematic rape and torture.
4. To ensure that those who have committed serious crimes in Yemen and who are regarded as war criminals are referred to international courts. Further, to ensure that those criminals are held accountable in accordance with the relevant international rules and procedures.
5. To stop the large-scale of land, sea and air military operations, led by the coalition, to control the province of Hodeida, which is currently the only functioning seaport in Yemen. Obviously, the closure of Hodeida port would likely lead to starving millions of Yemenis who depend on this port for humanitarian assistance and the basic elements of life.
6. To activate the United Nations bodies and offices in Yemen, in order to carry out its role and assume responsibility regarding the humanitarian catastrophe suffered by the Yemenis for more than three years and continues to increase as to the moment of writing this report.

**Gulf Institute for Democracy and Human Rights (GIDHR), NGO without consultative status, also shares the views expressed in this statement.

United Nations A/HRC/39/NGO/21

General Assembly

Distr.: General
3 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Christian Solidarity Worldwide, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14493(E)

1814493

Please recycle

Enforced disappearance and arbitrary detention in the People's Republic of China and the Republic of Cuba

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in freedom of religion or belief (FoRB) for all.

2. This submission seeks to draw the Council's attention to the prevalence of enforced disappearance and arbitrary detention in the People's Republic of China and the Republic of Cuba.

3. Under President Xi increasing human rights abuses in China are accompanied by and manifested through a shrinking space for civil society, a heightened sensitivity to perceived challenges to Party rule, and the introduction of legislation that curtails civil and political rights in the name of national security.

4. Similarly, in Cuba, the realisation of human rights is limited through Article 62 of the constitution, which gives explicit legal privilege to the objectives of the Cuban socialist State, over and above the protection of fundamental human rights for all Cuban citizens.

5. Within such contexts, where human rights are conditional upon their alignment with the ideological aims of the government, arbitrary detention and enforced disappearance are tactics frequently used to harass and control civil society.

China: Residential surveillance at a designated location

6. Under Article 73 of China's Criminal Procedure Law (CPL), an individual can be held in a police-designated location for up to six months under a measure known as 'residential surveillance at a designated location', or RSDL. The measure is essentially a form of enforced disappearance. Individuals typically have no access to legal counsel and no contact with family members: police do not even have to tell their family where they are. RSDL exists outside the detention system and beyond any "normal" oversight or supervision.

7. Under RSDL, torture is extremely unlikely to be investigated and more likely to occur in the first place. In fact, the testimonies of those detained under this measure indicate that torture and ill-treatment are rife. Lawyers detained in the '709 crackdown' in 2015 report being violently stripped, shackled and threatened; kicked, punched, and forced to sit in a chair which would not let his feet touch the ground for up to 20 hours a day, causing extreme pain; other were force-fed medicine and deprived of sleep.

8. Human rights lawyer Gao Zhisheng 'disappeared' in August 2017; his whereabouts are still unknown. Previously Gao was imprisoned for three years and was released on 7 August 2014 with serious health problems, and reported being tortured. Other victims of enforced disappearance in China include Falun Gong practitioners and Christians associated with unregistered churches.

China: Detention in political re-education camps

9. Furthermore, in 2017 and 2018 there were reports of the widespread detention of Uyghurs, Kazakhs and members of other ethnic groups in political re-education camps1 in Xinjiang Uyghur Autonomous Region. Up to one million individuals are believed to have been detained for varying periods of time without charge, sometimes in connection with their peaceful religious activities, including praying or wearing 'Islamic' clothing.2 In some cases whole families, including children, have reportedly been held in re-education camps. Witnesses report that in some areas, almost every man under 70 years of age has been sent to a camp for such reasons as having a relative living overseas or reading the Qu'ran.

10. The families of individuals sent to re-education camps are typically not told where they are being held, or when they will be released. Individuals do not have access to legal counsel and there is no mechanism for appeal.

11. There is a strong religious element to the detentions. Not only have some individuals been detained allegedly in connection with their peaceful religious activities, but witnesses also report that inside the camps detainees

1 Variously known as 'counter-extremism training centres', 'education and transformation training centres' etc.
2 Congressional-Executive Commission on China, 'Chairs Raise Alarm About Deteriorating Human Rights Situation in Xinjiang', 8 January 2018 www.cecc.gov/media-center/press-releases/chairs-raise-alarm-about-deteriorating-human-rights-situation-in

are required to renounce Islam and promise not to follow religion. Detainees have also been forced to eat pork or drink alcohol, against their religious beliefs.

12. As with RSDL, torture and ill-treatment are common and include beatings, sleep deprivation and solitary confinement.

13. The disappearance into these camps of hundreds of thousands of people has further heightened the already critical level of fear which pervades the region. Disappearances can happen at any time, to any person, without warning. In such a climate of fear, many Uyghur Muslims have stopped public and communal religious observance and have broken off contact with relatives overseas.

Recommendations to the government of China

14. Ratify the International Covenant on Civil and Political Rights (ICCPR), the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and the Optional Protocol to the Convention against Torture (CAT), and revise national laws and policies to comply with these international conventions;

15. Immediately release all prisoners of conscience detained in connection with their religion or belief, and investigate cases of wrongful imprisonment;

16. Immediately release human rights defenders detained or imprisoned in connection with their peaceful defence of the rights of others;

17. Abolish and end the use of residential surveillance at a designated location, re-education camps, and all forms of extra-legal detention, and de facto enforced disappearance and arbitrary detention;

18. Ensure that no citizen is detained incommunicado and that family members of detainees are informed of their whereabouts and the charges against them in good time, in accordance with international standards.

Cuba: Detention of members of the Ladies in White movement

19. Every week for the past decade, government agents in Cuba have systematically detained dozens of women affiliated with the Ladies in White movement – a nonviolent independent civil society group – preventing them from attending Mass. In most cases, women were violently detained by security agents upon leaving their homes, the Ladies in White headquarters in Havana, or as they arrived at church services across the island.

20. While government officials appear to be primarily focused on targeting Sunday morning activities, many women reported that they were also banned from attending other weeknight events including Bible studies and prayer meetings. This suggests that government policy is aimed not only at preventing individuals from being present at Sunday Mass, but is also an attempt to isolate them from their community of faith.

21. The right to freedom of religion or belief (FoRB), is guaranteed in the Cuban constitution. Specifically, FoRB is enshrined under Article 8, Article 42 and Article 55 of the constitution.3 However, as already stated, the realisation of fundamental rights, including FoRB, are limited through Article 62 of the constitution. As such, many religious leaders and activists face frequent harassment and arbitrary detention as the government attempts to tighten its control over the activities and membership of religious groups on the island.

22. The Ladies in White have documented a concerning increase in the number of women subjected to hazardous conditions during their arbitrary detention. Indeed, the movement has reported various instances of women being beaten, scratched, punched, dragged by the feet and threatened by the police.

23. In 2018, the Ladies in White suspended their campaign between 27 May – 1 July due to pressure from the government on their movement. At the time, three members of the Ladies in White, Martha Sánchez González,

3 Collectively, these articles recognise, respect and guarantee FoRB for all and explicitly acknowledge respect for the independence of religious institutions and affairs from the State; equality before the law for all creeds and religions; condemnation of discrimination based on religious creed – attaching a legal penalty to any such act; and citizens' rights to change, refute or profess their belief or non-belief, with respect to the law.

Nieves Caridad Matamoros González and Aymara Nieto Muñoz, were being held in El Guatao, a prison for female offenders, on trumped up charges including disobedience and contempt. Matamoros González was arrested on 9 April and held for 24 hours, during which time she was sexually assaulted while under arrest, before being taken to the La Palma municipal tribunal where she was sentenced to 18 months imprisonment for non-payment of 'political' fines without the right of attorney. Sánchez González was detained while leaving her house on Sunday 11 March to attend a protest during a local election. On 6 April 2018, she was put charged with contempt and disobedience. Her case, and that of Aymara Nieto Muñoz are still pending trial.

Cuba: Arbitrary arrests of other religious leaders

24. On 25 February 2017, Pastor Ramón Rigal and his wife, of the Church of God in Cuba, were arrested following their attempt to home school their children for religious reasons. Their sentences were later reduced to house arrests. Other recent cases of arbitrary arrest include those of Apostolic Movement leaders Pastor Juan Carlos Velasquez Nuñez in September 2016 and Pastor Rafael Ríos Martínez Martínez in December 2016.

25. The police also regularly make use of 'Actas de Advertencia', a form of pre-arrest warrant which can be used to justify future arrests and criminal charges, and to restrict travel. On 14 September 2017, Pastor Ernesto Lora was forced to sign an 'Actas de Advertencia' after holding an interdenominational worship service in the city square in the city square in El Cristo, Santiago Province, despite having obtained permission from the Cuban authorities beforehand.

Recommendations to the government of Cuba

26. **End all practices of arbitrary detention of Cuban citizens freely exercising the right to FoRB, as enshrined under Articles 8, 42 and 55 of the Cuban Constitution.**

27. **Immediately release all prisoners of conscience detained in connection with their religion or belief, and investigate cases of wrongful imprisonment.**

28. **Immediately release human rights defenders detained or imprisoned in connection with their peaceful defence of the rights of others;**

29. **Ratify both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which protects FoRB for all, and to commit to the provisions within the ICCPR under Articles 9 and 14, which enshrine the right to a fair trial, liberty and security of person and prohibit arbitrary arrest or detention.**

United Nations A/HRC/39/NGO/22

General Assembly

Distr.: General
3 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Christian Solidari y Worldwide, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14494(E)

Please recycle

Situation of Freedom of Religion or Belief in Viet Nam

1. CSW (Christian Solidarity Worldwide) seeks to draw the Council's attention to the situation of freedom of religion or belief (FoRB) and other human rights issues in the Socialist Republic of Viet Nam.

2. CSW continues to receive reports of violations against every major religious community in Viet Nam, including Buddhists, Catholics, Cao Daists, Hoa Hao Buddhists and Protestants. Violations include harassment, intimidation, forced eviction, intrusive surveillance, disruption of religious services, confiscation of religious materials, arrest, imprisonment, torture and extra-judicial killing.

3. The situation for religious communities varies widely and individuals who are both ethnic and religious minorities and those in remote areas suffer the most severe violations. FoRB defenders are especially targeted by the authorities.

4. On 1 January 2018 Viet Nam's first ever Law on Belief and Religion came into effect. Religious communities, lawyers and activists have criticised the law for interfering in the internal affairs of religious organisations, and using vague and ambiguous language regarding 'national unity' and 'traditions', which could be used to reject or hinder registration applications.

Violations against independent religion or belief groups

5. The system of mandatory registration of religious organisations and activities remains in place. Religious groups which choose not to register with the authorities for reasons of conscience or have had their application rejected or ignored are subject to various levels of harassment, intimidation and violence. Often attacks are carried out by 'thugs' believed to be hired by local authorities to pressure unregistered groups to stop their religious activities.

6. For example, the government only recognises Cao Dao groups operating under the government-approved Cao Dao Administrative Council. Authorities routinely harass independent Cao Dao groups. According to a report by the Association to Protect Freedom of Religion, in January 2018, Cao Dai Church leader Hua Phi suffered severe health issues after being interrogated by police for several days in Lam Dong Province. After he collapsed on 29 January 2018, authorities blocked his access to medical treatment. His left leg is paralysed following his collapse.1

7. Similarly, independent Hoa Hao Buddhist groups not affiliated with the state-sponsored Hoa Hao Administrative Council suffer ongoing harassment from the authorities, including confiscation of property used for worship, intrusive surveillance and disruption of religious activities. In February 2018, authorities in An Giang Province sentenced six Hoa Hao Buddhists to between two and six years in prison for holding a peaceful demonstration after police prevented them commemorating the death of another community member.2

8. Furthermore, Thich Quang Do, leader of the Unified Buddhist Church of Vietnam (UBCV), an unregistered independent religious group, has been deprived of liberty in various forms for over 30 years. Currently being held under house arrest without charge in Thanh Minh Zen Monastery in Ho Chi Minh City, he is under constant police surveillance.3

Violations against religious and ethnic minorities

9. Religious and ethnic minorities living in remote areas of the country are particularly at risk of state-perpetrated human rights violations. Montagnard ethnic minority Catholics and Protestants in the Central Highlands of Viet Nam are subject to serious ongoing human rights violations, including pressure to recant; forced eviction;

---

1 Report On Religious Freedom In Vietnam Period: 1st Quarter of 2018
https://www.facebook.com/notes/h%E1%BB%99i-b%E1%BA%A3o-v%E1%BB%87-quy%E1%BB%81n-t%E1%BB%B1-do-t%C3%B4n-gi%C3%A1o/report-on-religious-freedom-in-vietnam-period-1st-quarter-of-2018/798943186961845/

2 CSW, 'Six Vietnamese Hoa Hao Buddhists Sentenced', 12 Feb 2018,
http://www.csw.org.uk/2018/2/12/press/3839/article.htm

3 VCHR, Freedom of Religion Or Belief: State Management of Religions in Vietnam,
http://queme.org//app/uploads/2016/02/Report-VCHR-FoRB-in-Vietnam-State-management-of-religions-Feb-2016.pdf, p. 23

denial of access to public services and grants4; beatings, torture5 and sexual abuse; arbitrary detention, sometimes followed by imprisonment; threats and intimidation; disruption of religious services; being physically prevented from attending religious services; confiscation of religious materials; denial of access to education; and damage to properties used for religious services.

10. According to the Khmer Kampuchea-Krom Federation, state-sponsored Buddhist bodies interfere heavily with Khmer Krom religious activities and ensure that monks who advocate for greater religious freedom are removed and even imprisoned. The Venerable Thach Thuol has been imprisoned since 2013 for teaching Khmer in his temple school.6

11. There are also reports that Muslim and Hindu places of worship belonging to Cham ethnic communities have been used as tourist attractions, at times disrupting legitimate religious activities, while land and buildings of religious significance have been confiscated by developers with support from the authorities.

12. In January 2017, authorities in Thai Nguyen Province destroyed funeral sheds belonging to Hmong followers of Duong Van Minh (DVM), a group not recognised by the government. Police and officials also arrested and tortured seven people for two days. At a meeting with provincial authorities on 7 January 2017, high ranking officials accused DVM followers of 'opposing the party and the state', stating that the building of the funeral sheds is illegal, without reference to any legal provision.

Torture and deaths in detention

13. On 5 February 2015, Viet Nam ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). However, CSW and other human rights organisations have recorded numerous reports of torture and ill-treatment in police custody and in prison, which in some case have resulted in death.

14. Protestant church elder Hoang Van Ngai died in police custody on 17 March 2013 after opposing the authorities attempt to close his church. On 15 March 2013, he and his brother Hoang Van Pa were arrested without formal documentation. Detained in an adjacent room, Mr. Pa heard the sound of violent beating just before his brother's limp body was removed from the cell on 17 March. Photographs of Ngai's corpse show severe bruising which was not there before his detention.7

15. In May 2017, Hoa Hao Buddhist Nguyen Huu Tan died within ten hours of being taken into custody at a police detention facility in Vinh Long Province, having been detained under Article 88 of Viet Nam's Penal Code, which prohibits conducting anti-state propaganda, a charge often levelled at petitioners and activists. Despite inconsistent and contradictory claims by authorities that he had committed suicide using a letter opener, his injuries suggest he was tortured in custody.8

Detention of individuals promoting FoRB

16. Protestant pastor and human rights defender, Nguyen Trung Ton, was tried on 5 April 2018 and sentenced to 12 years in prison. In February 2017 Pastor Ton was kidnapped by state agents, stripped naked, tied, beaten and abandoned in a remote mountainous location in the middle of the night, leaving him with serious injuries. Following an appeal hearing in June 2018, his sentence was upheld.

17. Also tried on 5 April 2018 was Hoa Hao Buddhist, Nguyen Bac Truyen, a legal expert who has provided pro bono legal assistance to families of political prisoners, victims of land grabs, and persecuted religious communities. He has been sentenced to 11 years in prison. Truyen was forcibly disappeared on 30 July 2017. Prior to his detention, Truyen and his wife were physically attacked by unknown assailants on several occasions. Following an appeal hearing in June 2018, Truyen's sentence was upheld.

---

4 Ethnic minorities and indigenous peoples in Vietnam are sometimes eligible for government support in the form of housing grants, rice, and small grants for "protecting the forest". Families who have converted to Christianity report having the documentation making them eligible for this assistance confiscated, on the grounds of their conversion

5 Methods of torture include beating of the face, head, legs and shoulders; being forced to adopt a stress position

6 Khmer-Krom, subsection: Religious freedom and freedom of association, http://unpo.org/members/7887, accessed May 2018

7 CSW, April 2013, Vietnam: Death in custody of Hmong Christian, Central Highlands, http://dvov.org/wp-content/uploads/2014/07/vietnamese-christian-death-in-custody.pdf

8 CSW June 2017, Vietnam: Hoa Hao Buddhist death in police custody, http://www.csw.org.uk/2017/06/21/report/3595/article.htm

18. In addition, Catholic leaders and activists have been beaten, denounced by officials, and imprisoned for organising peaceful protests following the Formosa company steel plant disaster in April 2016, which left many families with no means of livelihood. In April 2018, Catholic activist Tran Thi Xuan was sentenced to nine years in prison and five years house arrest for 'attempting to overthrow the people's government'. State media accused her of organising protests against Formosa company.

Recommendations to the government of Viet Nam:

19. ***Revise all regulations and legislation pertaining to religion to ensure they align with international standards as set out in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), in consultation with religious communities and legal experts;***

20. ***Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities;***

21. ***Immediately release all prisoners of conscience detained in connection with their religion or belief, and investigate cases of wrongful imprisonment;***

22. ***Ensure that all forms of torture and ill-treatment cease immediately; guarantee that perpetrators of torture and ill-treatment, including extra-judicial killing, are held to account; legal provisions should be revised or revoked in order to comply with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);***

23. ***Protect ethnic and religious minorities from all forms of social hostility, as well as violations by state agents; cases of abuse of power by authorities should be subject to thorough, impartial investigations, and mechanisms established to deal with complaints by religious communities and individuals;***

24. ***Immediately release human rights defenders detained or imprisoned in connection with their peaceful defence of the rights of others;***

25. ***Provide a safe environment for human rights lawyers, civil society actors and human rights defenders, enabling them to carry out their work;***

26. ***Consult with genuine, independent civil society groups in Viet Nam and strongly encourage their participation in preparations for human rights related reporting, including the Universal Periodic Review (UPR) process.***

Recommendations to the International Community:

27. ***Urge Viet Nam to accept the recommendations outlined above and implement necessarily changes without delay;***

28. ***Urge Viet Nam to extend invitations to relevant UN Special Procedures, including the Special Rapporteur on freedom of religion or belief, enabling them to conduct unhindered human rights investigations.***

United Nations A/HRC/39/NGO/23

General Assembly

Distr.: General
29 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by ODHIKAR - Coalition for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14225(E)

1814225

Please recycle

Bangladesh: Demands from victim-families for the return of their disappeared relatives and the investigation of all incidents, remain unheard

Odhikar is deeply concerned over the continuous lack of response from the Government of Bangladesh to the repeated calls for investigating enforced disappearances, made by the families of the disappeared. The persistent denial of the government that enforced disappearances occur and its refusal to locate the whereabouts of the disappeared persons, clearly indicates the government's unwillingness to address the public outcry. Moreover, Bangladesh ignores calls for credible and visible actions made in communications by the UN Working Group on Enforced or Involuntary Disappearances (WGEID). The report on Bangladesh from the UN's High Commissioner of Human Rights also expressed concerns about the lack of investigations and accountability of perpetrators, regarding reported high rates of extrajudicial killings and reports of enforced disappearances and the excessive use of force by State actors.[1]

Despite the fact that the right to be protected by the law is guaranteed under Article 31 and 32 of the Constitution of the People's Republic of Bangladesh (which is recognised under Article 16 of the International Covenant on Civil and Political Rights as well), the scope to seek justice is almost non-existent due to the dysfunctional judicial system of Bangladesh. Families of the disappeared are unable to seek legal proceedings as the criminal law of the country does not recognise disappearance as 'crime'. Police officers do not record a General Diary (GD) against any member of law enforcement agencies involved in the alleged incident of enforced disappearance. In many cases, they have changed the language of the GD and recorded the incident as 'missing'. Moreover, filing habeas corpus writs do not bring any fruitful results either as the government stalls or ignores the orders to investigate. Many cases remain unreported as the state agencies keep intimidating and harassment the families.

A new trend of short-term enforced disappearance has emerged in Bangladesh as a means of creating a general state of anguish, insecurity and fear. This violates the right to personal liberty as well as freedom of expression and opinion, and freedom of peaceful assembly and of association. Demonstrators, rights activists, political analysts, leaders and activists of the opposition political parties, academicians, journalists – anyone having a dissenting opinion or critical against the government is at risk of facing short-term disappearances. The patterns of all the cases of short-term enforced disappearances in Bangladesh have three elements in common- deprivation of liberty against the will of the person concerned; allegations of the involvement of governmental officials - at least indirectly by tolerance, support or acquiescence; and the refusal to disclose the fate and whereabouts of the person picked up. The State security forces are enforcing such practices of short term enforced disappearances to gag and repress critical voices.

The United Nations Declaration on the Protection of All Persons from Enforced Disappearance ("the 1992 Declaration", preamble); the Inter-American Convention on Forced Disappearance of Persons (Art. II); and the International Convention for the Protection of All Persons from Enforced Disappearance ("the 2006 Convention", Art. 2) states that the "placement of the victim outside the protection of the law" is conceived as an

[1] The Diplomat, 23 May 2018, "Rights Groups Criticize Bangladesh Government for 'Silence' on Enforced Disappearances", By Faisal Mahmud; https://thediplomat.com/2018/05/rights-groups-criticize-bangladesh-government-for-silence-on-enforced-disappearances/

inherent consequence of the offence.[2] In a recent incident– a quota reform movement[3] leader APM Suhel was allegedly picked up by some men claiming to be members of the Detective Branch (DB) of Police in the early morning of 12 July 2018 from a house at Chamelibagh in Dhaka. When his family searched for him, police informed them that DB Police had not arrested him. Later, in the evening, police acknowledged the arrest of Suhel.[4]

According to information gathered by Odhikar, at least 435 individuals were subjected to enforced disappearance allegedly by various law enforcement agencies from January 2009 to July 2018. Among them, 55 were found dead, 244 were released after being left blindfolded at a particular location or shown as arrested or produced before a court after several days or months following their disappearance, and the fate or whereabouts of 136 persons still remained unknown.

Despite claims of the families of the disappeared that the commissions of enforced disappearance exist in the country; the higher authority of the government repeatedly denies this. For instance, on 17 July 2018, the Home Minister Asaduzzaman Khan Kamal said, "incidents which are being called enforced disappearance are not exactly enforced disappearance. We are bringing them (the victims) in front of the public and it has been seen that they voluntarily disappeared after failing in love affairs or in business".5 Even though the commissions of enforced disappearances and extrajudicial killings and matters relating to impunity and injustice have been highlighted by Member States in Bangladesh's human rights review as a matter of grave concern, during the third cycle of the Universal Periodic Review (UPR) of Bangladesh on 14 May 2018 at the UN Human Rights Council in Geneva, the Law Minister Anisul Huq disagreed with the position that enforced disappearances occur in Bangladesh. Instead he said that the cases of abduction of some individuals are often reported as enforced disappearances; and there has been a tendency for quite sometimes to label all cases of missing persons as enforced disappearances. He said that this was being done with an obvious intention to malign the government and its achievements. He continued by saying that in many cases the perceived victims have reappeared, proving the allegations of so-called enforced disappearance false.[6] In reality, the survivors of enforced disappearances never speak in public about their experience, usually in fear of further reprisals. They live under continuous surveillance. The families of the disappeared also face continuous surveillance. Police and local authority often do not give permission to the victim families to organise protest rallies in demand of the return of the disappeared. Sometimes, after organising rallies and press conferences, police and other law enforcement agencies gave threats to the family members of the disappeared or made them agree not to speak in public otherwise they will face problems.

The continuous denial of the government to take action and give answers to the victim family members, indicates that disappearing people is one of the incumbent government's policies for retaining power. Bangladesh's dysfunctional judiciary fails in its responsibility of administering justice in cases of habeas corpus Writs. It is feared that incidents of enforced disappearance might increase ahead of the upcoming 11th Parliamentary Elections in December 2018 and leaders-activists of the opposition parties, human rights defenders

---

[2] http://www.sidiblog.org/2016/06/13/short-term-enforced-disappearances-as-a-tool-for-repression/

[3] In February 2018, University students commenced a demonstration calling for the reform of the quota system in government service. This demonstration became a movement and was attacked by police and supporters of the ruling political party.

[4] Odhikar Human Rights Monitoring Report, July 2018, page 22, available at http://www.odhikar.org/wp-content/uploads/2018/08/human-rights-monitoring-report-July-2018_Eng.pdf

[5] Ibid.

[6] See UN Web TV available at www.webtv.un.org.

and dissenters might be the victims of such crime.[7] Without establishing an inclusive participatory electoral democracy, the problems of disappearances cannot be addressed.

Odhikar urges the UN Human Rights Council to make the following recommendations to Bangladesh:

i. Ensure the independence of Judiciary and create an independent Judicial Probe Commission for investigating the allegations of enforced disappearances, leading to prosecution of all the cases of disappearances;
ii. Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) and criminalise enforced disappearance under domestic law;
iii. Take necessary measure to effectively hold perpetrators of enforced disappearances accountable through impartial investigation into allegations of such crimes and ensure access to justice to victims of enforced disappearances;
iv. Respond to all communications in relation to general allegations and cases of enforced disappearances transmitted to the government;
v. Issue an invitation to the UN Working Group on Enforced or Involuntary Disappearances (WGEID) for a country visit.

---

[7] Joint oral statement on enforced disappearances in Bangladesh by the Asian Forum for Human Rights and Development (FORUM-ASIA) and the World Organisation Against Torture (OMCT) submitted to 36th Regular Session of the UN Human Rights Council. https://www.forum-asia.org/?p=24796.

United Nations A/HRC/39/NGO/24

General Assembly

Distr.: General
29 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Joint written statement* submitted by the International Federation for Human Rights Leagues and the World Organisation Against Torture, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14223(E)
1814223

Please recycle

Turkey towards a permanent state of emergency••

EuroMed Rights, the International Federation for Human Rights (FIDH), Insan Haklari Dernegi (İHD), and the World Organisation Against Torture (OMCT) denounce the recent legislative amendments in Turkey which see the state of emergency (SoE) restrictive provisions integrated into ordinary law and express concerns about potential severe violations of fundamental human rights resulting from the amendments.

I. Crackdown on civil society

On 15 July 2018, following the attempted coup d'état, a SoE was declared and subsequently renewed seven times. It was lifted after two years on 18 July 2018. Throughout the entire period the SoE was in place, fundamental freedoms were heavily curtailed, and dissenting voices systematically silenced. More than 150,000 civil servants and university teachers were dismissed from their functions.

On December 2016, the Council of Europe's Venice Commission stated that "the Government interpreted its extraordinary powers too extensively and took measures that went beyond what is permitted by the Constitution [of the Republic of Turkey] and by international law."[1]

Although the SoE was recently lifted, laws integrating SoE measures into ordinary law and giving additional exceptional powers to the Executive in the name of "counterterrorism," were adopted, resulting in the continuation of such abuses and the lack of space for public freedoms. On 16 July 2018, the Minister of Justice Abdülhamit Gül declared that "the most persistent and determined fight against all kinds of terrorism will continue till the end."[2]

In the current political environment, those who advocate for democratic freedoms and respect for human rights continue to be targeted, including protestors, unionists, journalists, lawyers, academics, and NGOs. Attacks against HRDs remain widespread: hundreds have been sentenced to prison or are still behind bars awaiting trial.[3] Others have been subjected to judicial harassment,[4] and some have seen their passports cancelled, banning them from travelling abroad.[5] The label of "terrorist" has been widely used by authorities to crack down on dissenting peaceful voices, relying on a vague and widely criticized[6] definition of terrorism[7] in its anti-terror legislation.

Our organisations are deeply concerned that this situation will last well beyond the end of the SoE. Indeed, the constitutional reform, the amendments to the ordinary law introduced by decree under the SoE, and the new Law n°7145, entered into force on 31 July 2018, prove that fundamental freedoms could be curtailed permanently.[8]

---

1 Venice Commission, Opinion CDL-AD(2016)037-e para. 226.

2 <https://www.reuters.com/article/us-turkey-security/turkeys-emergency-rule-expires-as-erdogans-powers-expand-idUSKBN1K824E>.

3 <https://www.fidh.org/en/issues/human-rights-defenders/turkey-provisional-release-and-ongoing-judicial-harassment-of-ten>.

4 <https://www.fidh.org/en/issues/human-rights-defenders/turkey-ms-eren-keskin-s-kafkaesque-judicial-harassment>.

5 <https://euromedrights.org/publication/osman-isci-emblematic-case-among-hundreds-human-rights-defenders-turkey/>.

6 U.N. Doc. A/HRC/37/50/Add.1 para. 68; U.N. Doc. A/HRC/35/22/Add.3 para. 17; U.N. Doc. A/HRC/33/51/Add.1 para. 39; U.N. Doc. A/HRC/29/15 recommendations 150.22, 150.42; U.N. Doc. A/HRC/29/37/Add.4 Recommendation A.3; U.N. Doc. CCPR /C/TUR/CO/1 para. 16.

7 See: <http://www.omct.org/files/2012/06/21816/obs_mission_report_turkey_hd.pdf>.

8 <http://ihd.org.tr/en/index.php/2018/08/01/regarding-law-no-7145-regulating-permanent-state-of-emergency/>; <https://euromedrights.org/publication/turkey-from-state-of-emergency-to-ordinary-emergency/>; Venice Commission, Opinion CDL-AD(2017)005-e.

II. Constitutional referendum

A constitutional referendum was held on 16 April 2017 in a climate of intimidation and fear. Civil society and independent media were censored and prevented from participating to the debates before the referendum, hundreds were closed down and thousands of people holding dissenting views were detained or subjected to judicial harassment.

In its conclusions, the OSCE-ODIHR International Observation Mission thus declared: "Under the state of emergency (…), fundamental freedoms essential to a genuinely democratic process were curtailed (…). One side's dominance in the coverage and restrictions on the media reduced voters' access to a plurality of views."[9] OSCE observers concluded that the consultations took place on "an unlevel playing field"[10] and urged Turkish authorities to shed light on allegations of fraud.

Turkey's constitutional reform was nevertheless adopted by a narrow margin. As stated by the Venice Commission, the referendum puts an end to the independence of the judiciary and the counter-power of Parliament, by concentrating all powers in the hands of the President.[11] According to Article 119 of the 2017 Constitution, any future declaration of SoE, as well as the issuing of decrees having force of law, can be made by the President alone.

III. Presidential and parliamentary elections of June 2018

During the latest snap elections, authorities used emergency powers to all but silence independent media in the country. As remarked by U.N. High Commissioner for Human Rights, Zeid Ra'ad Al Hussein: "Elections held in an environment where democratic freedoms and the rule of law are compromised would raise questions about their legitimacy and result in more uncertainty and instability."[12] Ten days before the elections in the town of Suruç (Şanliurfa province), clashes between supporters of opposing parties resulted in the killing of 4 people. In the same region, the relocation of ballot boxes "for security reasons" affected 144,000 voters, violating their basic electoral rights, as documented by national NGOs.

IV. Law n°7145 on the amendments of some laws and emergency decrees

The new Law n°7145 not only enshrines SoE measures into ordinary law, but also undermines those constitutional guarantees that had remained unchanged in the new constitution. Article 19 of the Constitution provides that pre-charge detention can only be extended to a maximum of 4 days – even for collective offenses and upon the request of the public prosecutor and a judge's ruling – and only during a SoE, martial law, or in time of war. Law n°7145 expands this period to up to 12 days, implicitly revoking the SoE requirement, in outright violation of the Constitution and contrary to ECtHR judgments[13] which recommend a maximum of 96 hours. This almost restores the situation under SoE where pre-charge detention could last 7 days, extendable to 14 and is one of the examples proving Law n°7145 is a de facto continuation of the SoE.
Detention periods can be extended by judges of the Criminal Peace Judgeships.

Also of concern is the amendment of Article 134 of the Code of Criminal Procedure, which gives authority to law enforcement to seize computer files without a judge's warrant, which only has to be requested ex post to the judges of the Criminal Peace Judgeships. In March 2017, the Venice Commission expressed numerous concerns over the jurisdiction and the practice of these Criminal Peace Judgeships.[14]

The new Law also increases the time period which reviews of pre-trial detention take place from 30 to 90 days, in blatant violation of the rights to liberty and security and to a fair trial. Moreover, it gives the gendarmerie and police

---

9 OSCE-ODIHR, "Needs Assessment Mission Report," 8-10 May 2018, p.4.
10 Ibid.
11 Venice Commission, Opinion CDL-AD(2017)005-e paras. 113-119.
12 U.N. OHCHR, "Turkey must lift state of emergency restrictions for credible elections to take place," 9 May 2018.
13 ECtHR, Oral and Atabay v. Turkey (Application No. 39686/02), 2009.
14 Venice Commission, Opinion CDL-AD(2017)004-e.

officers in military locations the authority to perform preventive search without a judge's ruling, in violation of Article 20 of the Constitution.

In addition, the offence under Article 216 of the Turkish Penal Code "Provoking the Public to Hatred, Hostility," already commonly invoked to stifle peaceful dissent, will be adjudicated under the draconian anti-terror Law n°3713. Wide powers are granted to the government to ban protests or public assemblies and to restrict movement inside Turkey, in contradiction with Articles 19, 23, and 34 of the Constitution. Local authorities will be able to ban people from certain areas for 15 days. Local governors, appointed by the President, will be granted power to impose curfews or make some areas off-limits to the public.

Finally, the new Law legalizes, for three more years, the procedure for passport cancellation and mass dismissals of civil servants allegedly "having connection with terrorist organizations," posing a "threat to national security."

In this context, EuroMed Rights, FIDH, İHD, and OMCT urge Turkish authorities to:

- Revoke the new Law n°7145.
- Amend the Constitution, in particular provisions regarding the appointment of members of the Constitutional Court and of the Council of Judges and Prosecutors; Article 104 concentrating excessive powers in the hands of the Executive, weakening the role of the legislature; Article 119§1 allowing the President alone to declare SoE.
- Review the broad definitions of "terrorism" and "propaganda" in all anti-terrorism laws and in the Penal Code and refrain from prosecuting HRDs, journalists, and other dissenting voices under terrorism charges.
- Unconditionally drop politically-motivated charges and proceedings; release without delay the thousands of citizens arbitrarily arrested and detained or facing judicial harassment for the legitimate exercise of their fundamental freedoms.
- Ensure effective access to remedy for those dismissed from their jobs following the decree laws adopted under the previous SoE and reinstate them without delay.
- Amend legal provisions incompatible with the right to freedom of assembly and association.
- Implement the provisions of the U.N. Declaration on HRDs (1998).

The above-mentioned organisations also call upon the U.N. Human Rights Council to:

- Urge Turkey to implement the above recommendations.
- Urge Turkey to promptly implement the recommendations accepted during its latest UPR (2015), in particular to:
  - "Continue to modify and implement its legislation on freedom of expression and freedom of assembly and association in order to fully meet its international human rights obligations by, interalia, simplifying notification requirements for planned demonstrations in the spirit of peaceful freedom of assembly;"
  - "Ensure that the penal code and anti-terror laws are consistent with international obligations."
- Ensure that the U.N. Special Rapporteurs monitor and provide advice on the implementation of the above recommendations.

**EuroMed Rights, Insan Haklari Dernegi (İHD), NGOs without consultative status, also share the views expressed in this statement.

United Nations A/HRC/39/NGO/25

General Assembly

Distr.: General
5 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Shia Rights Watch Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14751(E)
1814751

Please recycle

A Call for Reformation Against Anti-Shiism in The Kingdom of Saudi Arabia

Shia Rights Watch invites the Human Rights Councils immediate attention to the escalation of human rights violations towards Shia Muslims in the Kingdom of Saudi Arabia.

As representation of the worlds humanitarian voice, the Human Rights Council holds a responsibility to demand justice for violations against of all those quenching for civil liberties and fundamental human rights.

Within the Kingdom of Saudi Arabia, religious minorities are not recognized as official entities. In his rise to power, King Mohammad bin Salman claimed reformations that would reduce intolerance in the nation, yet the issue of systemic discrimination against religious minorities has not been met.

On behalf of Shia Muslims residing in the Kingdom of Saudi Arabia, Shia Rights Watch inquires your support for expedited reform. Specifically, the officiation of religious minorities, namely Shiism, in the Kingdom of Saudi Arabia.

Given King Mohammed bin Salman's call for reformation, now is the opportunity to support religious minorities within the country. Shia Muslims comprise approximately between 15% to 20% of the Saudi population. Mainly occupying the Eastern Province, Shia Muslims live in the nation's most mineral-rich areas, yet they are granted the least public resources. Local activists report the Eastern Province as being the least developed region of the country. Moreover, Shia Muslims report being discriminated against in education and occupation. Shia individuals working with the aim of empowering Saudi ideals are met with a glass ceiling to which their opportunities and growth are limited.
Due to the lack of recognition of Shia Islam as an officially recognized religion, human rights violation against religious minorities is justified. By identifying followers of Shia Islam as "apostates" or deviants from Saudi Arabian norms, Saudi officials legitimize violence and discrimination against this population.
Since 2015, Shia Rights Watch can account for 918 cases of violence in the form of home raids, arrests, arbitrary sentencing and killings in the hands of government officers, in addition to the demolition of Awamiya, a historical Shia residential town with 400-years of heritage.

The Case of Israa al-Ghamgham: The first female sentenced to execution

Within Saudi Arabia, not only are the Shia deemed infiltrates of foreign powers and treated as "vermin," advocacy against discrimination by identity is criminalized. All avenues of civic engagement are cut off, and Shia Muslims advocating for equal rights in their homelands are penalized harshly on the most basic human freedoms, including but not limited to the freedom of religion, freedom of congregation, freedom of expression and freedom of speech.

In a recent trend, Saudi officials have intensified anti-Shiism by sentencing the first Shia female to death. Israa al-Ghamgham, a Shia Rights activist was arrested with her husband Musa Jafar al-Hashim. Al-Ghamgham has been detained in the General Intelligence Prison in Dammam, where she has been charged with recruitment in Qatif.
The Saudi authority has arrested several women from the Eastern Province with political involvement accusations, including but not limited to Naima Al-Moustoud, Fatimah Nassif, and Nasima Al-Sada.

While Al-Ghamgham is not the first female arrested, her death sentence raises immediate concerns for women of religious minorities in the Kingdom of Saudi Arabia as the harsh sentence is a sign of heightened anti-Shiism across genders.

Anti-Shiism in Hajj

Extreme anti-Shia propaganda by the Saudi government is a detriment to not only Shia Muslims native to the Kingdom, but also Shia Muslims who are active citizens to other nations.

Saudi Arabia is home to two of Islam's most sacred religious sites, and every year, millions of Muslims flock to the Kingdom to make their Hajj pilgrimage. Contrary to Hajj rituals that are meant to cultivate unity amongst Muslims, Shia Hajj participants report physical and psychological abuse. They face targeted discrimination by Saudi law enforcement agents, such as incidents of sexual harassment, unreasonable stop and search tactics, unwarranted searches, summons, imprisonment, and general harassment.

Shia Rights Watch calls for immediate action by the Human Rights Council in response to escalating incidents of anti-Shiism in the Kingdom of Saudi Arabia.

Recognition of Shia Muslims as lawful citizens would be a definite step towards reducing human rights violations, not just in the nation but throughout the Gulf region. Furthermore, systemic recognition of Shia Islam within the area would reduce existing social tensions, increase the nation's economic prosperity and promote civility in the Middle East.

United Nations A/HRC/39/NGO/26

General Assembly

Distr.: General
29 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Al Mezan Centre for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14222(E)

1814222

Please recycle

Gaza update: closure, attacks on demonstrations, and impunity run counter to international law

Beginning on 30 March 2018, Land Day, and slated to last until 15 May, Nakba Day, the Great Return March protests continue at the time of this statement's submission. While demonstrators have not been armed or posed a serious threat to life or injury of Israeli soldiers, the Israeli forces have routinely responded with the use of life fire and sharpshooters. The case of protesters, paramedics and journalists being lethally shot while exercising their rights to free assembly and speech indicates a bold continuation of unlawful targeting practices despite the condemnation from the international community.

Grass roots organizers launched the protests to garner international attention to Israel's illegal closure of Gaza and to stress Palestinian refugees' right of return, numbering 1.3 million in Gaza alone. The closure, considered a collective punishment, restricts the enjoyment of the basic rights of 1.9 million people. The demonstrations were also fueled by the Trump administration's recognition of Jerusalem as the capital of Israel and move of its embassy to the occupied city.

Israel's closure of Gaza, in place in its strictest form since 2007, has critically impacted access to economic rights and rights connected to economic development, such as adequate housing, standard of living, and health. The poverty rate in Gaza now stands at 53 percent, with extreme poverty resting at 33.7 percent, and unemployment at 49.1 percent. The electricity crisis continues to hamper the work of the agriculture sector as farmers can't irrigate sufficiently and endure higher operational costs, which impacts food security.[1] The electricity crisis has also contributed to the spread of pollution, now affecting 73 percent of Gaza's sea water, while 97 percent of underground water is non-potable. As a result, diarrhea has been documented in 80 percent of children under 13.[2]

The Israeli authorities have frequently closed Karem Abu Salem (Kerem Shalom) crossing for the passage of all items except those deemed "humanitarian", such as food, hygiene and medical supplies, and fuel since 9 July. The crossing, on the southeastern edge of Gaza, is the only official import/export point.

Between 17 July and 15 August, Israeli authorities fully closed the crossing, blocking the entry of all goods and allowing only medicines and food items to pass on a case-by-case basis. The restrictions entailed a full ban on the entry of construction materials, thus preventing the partial entry of materials for pre-approved building projects. The sluggish reconstruction efforts since 2014, a result of the failure of the Gaza Reconstruction Mechanism (GRM)—which is rooted in the illegal closure procedures—were further hampered.

At the same time, the Israeli authorities reduced the fishing zone to three nautical miles, down six and before that nine nautical miles. Any fishermen sailing beyond the permitted zone are more vulnerable to attack by Israeli naval forces. Limiting the entry of fuel undermines the living conditions of the population, which is currently living with daily blackouts of around 20 hours. These measures add to other restrictions considered collective punishment, for example the prevention of patient access to healthcare outside of Gaza who have alleged family ties to Hamas.[3]

The Friday demonstrations are held at five locations along the fence on the eastern edge of Gaza. The Israeli military has been deploying force against the unarmed protesters from positions behind sand dunes and inside military sites on the opposite side of the fence.

---

[1] For more information, please refer to, Factsheet: The Electricity Crisis in Gaza and its Effects on Agriculture, 28 January 2018. Available at: http://mezan.org/en/post/22318.

[2] For more information, please refer to Al Mezan's report published in Arabic on the situation of economic, social and cultural rights in the Gaza Strip in 2017. Available at: http://mezan.org/en/post/22532.

[3] Al Mezan and partners, Alarming spike in rejections of exit permit applications by Gaza residents for alleged "family relations to Hamas operatives". 1 August 2018, available at: http://mezan.org/en/post/23105.

Since 30 March, 128 Palestinians have been killed in the Friday demonstrations—including 23 children, two journalists, three paramedics, and three persons with disability. Another 8,998 people have been injured, including 1,637 children, 403 women, 95 paramedics, and 84 journalists—of them 5,048 were hit by live fire.

The Ministry of Health in Gaza said that between 30 March and 12 August, 18,006 people were injured; about half of them received medical treatment at hospitals and the others were treated in field clinics. These figures include 3,540 children. 69 of the injured had one or more limbs amputated: 61 people lost lower limbs and eight people lost upper limbs (including fingers).

Al Mezan's documentation shows that three paramedics were lethally shot in the chest with live fire: Razan Al Najjar, 20, Abdullah Al-Qetati, 22, and Mousa Abu Hasaneen, 34. 99 paramedics were also injured by live fire, bullet shrapnel, or sustained direct trauma to the body from teargas canisters. Israeli forces also caused partial damage to at least 64 ambulances. Journalists were systematically targeted in Israeli shooting: Yaser Murtaja, 30, and Ahmed Abu Hasaneen, 24, were killed while working, and 84 more journalists and media staff, were injured.

The injurious targeting appeared to show an intent to maim, with injuries concentrated in parts of the body where substantial harm is unavoidable and with weapons, e.g. explosive bullets, that often cause irreversible harm. Al Mezan's documentation shows that most people who were injured by live fire, especially those wounded in the lower body, endured major fragmentation of leg bones, muscles, arteries, veins, and nerves, and often required amputation and skin grafting. Medical teams in Gaza referenced the need to address new types of injuries from ammunition that causes a small entrance hole and much larger exit wound. Each of these cases required extensive, several-hour long surgeries by medical teams comprised of doctors with diverse specializations.

The casualties requiring urgent medical treatment outside of Gaza were prohibited from accessing medical care in the West Bank, including East Jerusalem, based on their participation in the protests. The Israeli Ministry of Defense maintained this policy even when wounded protesters faced death or loss of limbs, although Al Mezan and partner organizations managed to overturn the decision in some cases.[4]

Three people, including a child, were killed when Israeli soldiers fired tear-gas canisters directly at the individuals.

Intentionally using lethal and other excessive force against people participating in the protests who do not pose an imminent threat to life or serious injury violates international human rights law and, in the context of occupation, may amount to willful killing, which is a grave breach of the Fourth Geneva Convention and could amount to a war crime (and possible crime against humanity) as codified by the Rome Statute of the International Criminal Court. The targeting of children, people with disability, journalists and medics also points to possible grave breaches of Israel's international law obligations. Palestinians' rights to *inter alia* freedom of assembly and expression are also violated when they are targeted for non-violently calling for their rights.

Armed attacks by the Israeli military in recent weeks killed a pregnant woman, her small child, and two minors[5], and destroyed one of Gaza's few cultural outlets[6] and two water wells[7]. These attacks raise serious questions as to Israel's compliance with the laws of war.

---

[4] See for example joint Al Mezan and Adalah – Legal Center for Arab Minority Rights petition, following urgent legal intervention, critically wounded man allowed to leave Gaza for life-saving care. 19 April 2018, available at: http://mezan.org/en/post/22709. See also, joint Al Mezan, Adalah and Physicians for Human Rights – Israel joint petition, Following urgent legal intervention, critically wounded man allowed to leave Gaza for life-saving care. 19 April 2018, available at: http://mezan.org/en/post/22709.

[5] Al Mezan, Israeli Forces Attacks on Gaza Kill Three Palestinians and Injure 18. 9 August 2018, available at: http://mezan.org/en/post/23145.

[6] Al Mezan, Al Mezan Condemns Israel's Retaliatory Flattening of Said Al-Mis'hal Cultural Center. 11 August 2018, available at: http://mezan.org/en/post/23146.

[7] Al Mezan, Israeli Forces Destroy Wells, Public Infrastructure that is Indispensable to the Basic Needs of Protected Persons in Gaza. 13 August 2018, available at: http://mezan.org/en/post/23175.

Meanwhile, Israel's military investigatory system has repeatedly made clear that the state is unwilling to conduct genuine, independent investigations into suspected crimes and to hold those responsible to account, as required by international law.

It is therefore essential that the international community, including the Human Rights Council, take action to de-escalate the situation, provide protection to civilians and to infrastructure indispensable to the civilian population, and bring justice to victims. We urge the Human Rights Council to:

1. Support the Commission of Inquiry in carrying out its mandate;
2. Condemn the unlawful killings of Palestinian civilians by the Israeli military and the use of excessive force against unarmed protesters since 30 March 2018;
3. Demand that Israel immediately lift the closure of Gaza and cease all collective punishment measures, including by abolishing the GRM and calling for a mechanism that complies with international law and addresses the root causes of the humanitarian catastrophe; and
4. Reiterate support for the recognition of the internationally recognized right of Palestinian refugees to return.

United Nations A/HRC/39/NGO/27

General Assembly

Distr.: General
3 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 5
Human rights bodies and mechanisms

Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14495(E)
1814495

Please recycle

The use of Media platforms as acts of intimidation on the civil society for cooperating with the UN bodies

Preface

Maat for Peace, Development and Human Rights is an Egyptian Non-governmental Organization in consultative status with the UN ECOSOC since April 2016.
on March 2018; Maat was subjected to a fierce campaign of intimidation and threat through the spread of false rumours against the organization to obstruct its activities and deter its participation in the UN events which serves the global Human Rights issues. This campaign included the use of the United Nations title in a manner that substituted a pure fraud. There are a number of indicators and evidences that are indicated in this report which proves the direct involvement and support of Qatar State to the campaign of intimidation and threat through the spread of false rumours targeting Maat association.
Maat delivers this intervention, so as not to be treated as a single case, but to draw attention to an important side forming the challenges that the civil society faces on dealing with the UN bodies and show the imminent need to take it into account and to find rooted solutions for it.

Maat's participation to the 37th session of the Human Rights Council

In the 26th of February 2018; Maat association together with a number of other NGOs from several countries launched the establishment of an international alliance titled: "The International Alliance for Peace and Development". The launch of the alliance took place on the side-lines of the 37th session of the HRC in Geneva. The activities of the launching of the alliance included the following:

1- Organizing a peaceful stand in front of the United Nations headquarter raising only one slogan written in UN six languages - "Unite for Peace"- the stand did not target a specific country by any mean but it was communicating all countries of the world without any exceptions.
2- Handling establishment meetings to ally outside the UN headquarters. The meetings were held at rooms of the "Club Suisse de la presse" or that of other associations. Such meetings were limited to the procedural framework discussions and the submission of the alliance's launching statement.

Maat for peace, development and human rights also organized two side events parallel to the 37th session of the Human Rights Council, none of which included a reference to any country in the region or the world. On a general basis; the events did not communicate any criticism or negatives. The topics of the event were:

- The Human rights approach to the African Sustainable Development- Agenda 2036
- The role of the civil society organizations in promoting peace and sustainable development.

The details of the attack on Maat and the campaign of intimidation and threat

A fierce campaign of moral defamation against Maat started once the association has announced for the launch of an International alliance for Peace and Development as well as organizing the peaceful stand outside the UN headquarters and handling of side events inside it. The details and procedures of the campaign included the following:

- On the 27th of February 2018; the CSO branch of the OHCHR received an email from an unknown association calls itself "UN Watch". It requested the cancelation of all Maat's side events in the UN headquarters. The email also included false information about Maat. It was clear that the email targeted the indication of the United Nations so as to be used on media as if the UN and one of its offices were attacking Maat. This constitutes a crime of fraud and deceit.
  With regard to this false and imaginary organization; by searching we found that it does not exist on the real ground in any of the headquarters they allege to have. The organization does not publish any information about its members by which it contradicts the well-known rules of transparency. It's worth mentioning that the email was signed by a person claiming to be a money laundering lawyer in a company named "Akin Gump Strastium", and through further research we found that this name is fake and the real name is for a one and only company named: "Akin Gump Strauss" which is a well- known company. Thus, the email and the signature were made to deceive the UN that the organization is real and legal by changing the last letters of the company's name for the reader to be confused.
- Another organization named "Euroscope" - (There are evidences proving its direct relation with the Qatari authority and its politicalizing methodology)-, has also published a statement accusing Maat for being funded by the United Arab Emirates and that it reached Geneva only to attack Qatar.
- In what it appeared to be a coordination of roles among those delusory organizations and the Media belonging to Qatar , after a few hours passed ,a fierce media campaign was launched depending on the

sent email by such delusory organization named "UN Watch" besides the deceiving statement published by the unprofessional organization named "Euroscope". A number of Qatari newspapers in Qatar state and which are affiliated with its ruling authority and its security agencies published the email noting that the email was sent by a UN organization which is not true. The following was the most prominent press issues published:

1- **"UAE hires mercenaries to defend its black record"** published on **3/3/2018** by **"Al Arab Qatar".**
Link to article: https://goo.gl/4Vb8Hk

2- **"Delusory organizations & fake stands.. New disgrace to Maat in Geneva"** published on **3/3/2018** by **"The Lens Post".**
Link to article: https://goo.gl/vgbMEm

3- **"Put an open account at his disposal .. "Arabs Devil" is using an Egyptian mercenary to improve the image of the Emirates abroad!"** published on **3/3/2018** by **"Al Watan Qatar".**
Link to article: https://goo.gl/USWDVJ

4- **"To obstruct the work of «human rights» and attack Qatar .. UN: Abu Dhabi formed an alliance in Geneva to gar le its violations to human rights"** published on **5/3/2018** by **"Al Arab Qatar".**
Link to article: https://goo.gl/rQScEm

Indications that the Qatari authorities are connected to the attack on Maat and the attempt to intimidate and threat the association

Euroscope

Following the website and the proclaimed stances of the organization; it was clear that its methodology is completely politicalized and purely directed against the countries to which Qatar has political concerns with specially; the United Arab Emirates, Egypt and Saudi Arabia. You can check the official website of the Euroscope to make sure that none of the published topics constituted a single criticism to Qatar and on the other side the material that constitutes a criticism and attack to UAE, Egypt and Saudi Arabia reaches more than 95% from the overall published materials. This confirms beyond any doubt that the organization is affiliated to the state of Qatar and receives its mandate from the ruling authority and its security agencies http://euroscopeme.com/

"UN Watch" organization

Following the official website of the organization and its electronic publications; we found that it focuses only on criticizing the countries and Human Rights figures targeted by the Qatari media and agencies, it also allocates a vast ground space to attack on UAE specifically and alike the "Eurosocpe", it does not approach or criticize any issue related to the Qatari authority. It uses a clear politicalized language and totally away of objectivity, transparency and professionalism of the Human Rights practice. There are evidences proving that the organization has no materialistic existence and most probably ruled by figures belonging to the Qatari authority in order to create a media platform for the purpose of propaganda, spread rumours, intimidation and threat which is same to what happened with Maat.
http://www.iunwatch.org/press-release/

The spread of rumours and adoption of intimidation campaign by the Qatari Media

In the light of the previous review of the press releases that were published, you will find that there are media platforms inside Qatar that have adopted the attack on Maat and echoed the untrustworthy lies, as well as many media known to be funded by Qatar and that it is just a part of the Qatari authority, We will mention only the list of official Qatari newspapers and websites that published rumors and adopted the campaign of intimidation against Maat, namely the following:

1- Al Arab Qatar
2- Al Watan Qatar
3- The lens post website

The recommendations and requested procedures

1- Maat association requests the Human Rights Council for taking the necessary procedure that promote protection and safety of human rights activists and defenders by highlighting the issue of "Rumors Usage" and the adoption of resources and inputs from delusory organization for the purpose of intimidation and threat of active participants to UN events.
2- Maat association calls for a transparent investigation into the relation of organizations as "Euroscope" and "UN Watch" with the Qatari authority.
3- Maat association demands that the Qatari press and media which adopted the campaign of attack on Maat to submit an official apology pursuant to the codes of conduct of press and media honor.

United Nations A/HRC/39/NGO/28

General Assembly

Distr.: General
29 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14220(E)
1814220

Please recycle

The application of the right to development

Preface

In the uncertain international situation and the growing intensity of armed conflicts, the right to development faces multiple obstacles to its application and respect.
In this context, Maat wishes to reaffirm that the right to development is an inalienable human right.
References to the concept of the right to development have been made in the international covenants: provided in article 1 which states that: (the right of peoples to self-determination and to be free to achieve their economic, social and cultural development). It also provides for the right of all peoples to pursue their own objectives through the free disposal of their natural wealth and resources without prejudice to any obligations deriving from international economic cooperation, based on the principle of mutual benefit under international law. In no case may a people be deprived of his own means of subsistence, and nothing in the provisions of the present covenant may be construed as impairing the inherent right of all peoples to enjoy and benefit fully freely from their natural wealth and resources. [1]
Although discussions on the human rights relationship to development had begun early in the aftermath of the Second World War, the notion of the right to development as an independent right had been elaborated in an international document only during the 1980s. These discussions and efforts on the human rights relationship to development resulted in the adoption of the United Nations Declaration on the Right to development, issued under the UN General Assembly resolution of December 4, 1986, after 146 states voted in favor of the UN Declaration on the right to development, while one State, the United States of America, opposed it, and eight abstained.SThe U objection may [2] reveal an important aspect of the use of force in influencing the aims of the UN to promote for the right to development.

Challenges to the realization of the right to development

Maat wishes to emphasize that the realization of the right to development faces a number of challenges and difficulties, the most important:

- The multiplicity of bodies responsible for the realization of collective rights in real life, where the responsibility of its application is mutual between the developed and developing countries and is often not achieved. In addition to international institutions and specialized agencies of the United Nations, which have a responsibility to promote the right to development.
- Lack of a formal political Will; to declare on the right to development, in addition to the conflict on the knowhow of its application. For this reason, the right to development is still non-legally binding, contrary to other rights which are stated in international treaties which oblige member states to apply its provisions, and the mechanisms for monitoring and receiving complaints emanating from these international treaties.
- Increased willingness to single out the UN decisions in the hand of powerful states.
- The development aid is firmly connected with the degradation of independence of the political will of such receipting states.

The right to development and the SDGs 2030:

The SDGs adopted by the UN and international organizations is linked to the right to development, where, the Rio de Janeiro Declaration of the Earth Summit in Brazil on June 12, 1992 states that the right to development must be realized in a manner that ensures the equitable fulfilment of the developmental and environmental needs of present and future generations.
It must be pointed out that development is not a split or one-sided process but a comprehensive on encompassing all economic, social and cultural aspects which are the fundamentals of human rights. [3]

---

[1] International Covenant on Civil and Political Rights, UN GA resolution 2200 in December 1966.
[2] Dr. Abdulaziz Mohammed al-Wasel, the right to development between reality and Hope, Arabic magazine, Friday 6/9/2013: https://bit.ly/2OJso8l.
[3] Majid Ahmed Samurai, the right to development is the right of every human being, ketabat website, 16 November 2013, website/ https://bit.ly/2M29pHn.

Within the implementation of the SDGs, states have agreed to contribute to the promotion and protection of the right to development, within what was agreed on; in the Addis Ababa plan of Action of the Third International Conference on Financing for Development and the Paris Agreement on climate change. In addition, it calls for the promotion of the concept of the right to development in international bodies and mechanisms for the protection of human rights and to strengthen the global partnership for achieving the goals of sustainable development. [4]

The realization of the right to development and the implementation of the SDGs 2030 also seek to eradicate poverty, discrimination and inequality, with a view to improving human well-being and reduce poverty which prevents any benefits from development. [5]

Challenges to the right to development in the Arab and African States

The realization of the right to development in the Arab and African States has shown many disadvantages, weaknesses and negative effects on citizens, including:

1. **Inequality:** Despite the fact of the high growth of the world economy; millions of people are left suffering from inequality. The progress has been achieved in states with unequal rates, particularly; in Africa and in the least developed countries, where persistent poverty and inequality are a major threat to human rights and development and thus threatening peace and security as well.

2. **Globalization and the spread of poverty:** The universal failure to regulate globalization **for** trade, investment, finance, intellectual property and the movement of people—to be compatible with states obligations within the field of human rights. It has led to the fact that most of the benefits of globalization do not reach more than half the world's population, i.e. 3 billion people living on less than $2 a day. In addition, there are still more than 1 billion living in extreme poverty, millions of people living without work and an increasing number of communities cracking down under racial, ethnic or social pressures. In addition, globalization has led to greater inequality both among states and citizens.

   Extreme poverty and enormous disparities in wealth and income are a real obstacle to democracy and development, a violation of human rights and a ban to any fruitful cooperation. [6] Wealth is also limited to 62 people only around the world owning; which is equal to the combined wealth of half of the earth's population.

   As well; $7.6 trillion US dollars of private wealth is hidden in external accounts that have devastating effects on developing countries. Africa alone loses $50 billion a year in illicit financial flows resulting from fraudulent schemes to avoid paying taxes.

   In addition, military spending in the region increased by 91% to reach more than $50 billion in 2014. Every year, Africa loses more than $100 billion, which could have been spent on the application of the right to development[7]

Recommendations

- There is a need to promote a global partnership for development; through the increase of meaningful dialogue and cooperation, which underpins the coherence of human rights-based policies and coordination at all levels and which is the best basis for the realization of the right to development and the millennium development goals.

---

[4] HRC Decision of 29 September 2016 on the right to development Document No. A/HRC/RES/33/14 - 33rd session in-agenda item 3.

[5] Report of the Secretary-General and the UN HC in accordance with agenda items 2 and 3 of the thirty-third session of the Human Rights Council 26 July 2016 document No A/HRC/RES/33/31.

[6] Abdulaziz al-Nuiidi, the right to development as a human and peoples ' right, the Arab Guide: human Rights and development, , http://www.pal-monitor.com/dalil/ch_5.htm.

[7] Statistics cited by the Deputy High Commissioner in the side event of the African Union Aqaamaha on the right to Development on March 1, 2016 at the Palais des Nations in Geneva. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17126&LangID=E.

- The developing countries, particularly in the Arab and African region, should change their strategy to promote the right to development; and to avoid any limitation to application of the right to development in the field of human rights solely, i.e. dealing with the right to development as an inclusive right.
- The involvement of the transnational cooperation and business enterprises in the development process, with a balance between national and international institutions.
- The prioritization by states, to be inconsistent with their national status, so as to ensure that everyone enjoys their right to development.
- Ensuring human rights-based policy coherence in the global partnership for development and the inclusion of all human rights, including the right to development.
- Emphasize the role of civil society in advocating for the full integration of human rights into development programs and policies, including the right to development. Civil society must play a role in identifying challenges and obstacles at the local, national, regional and global levels for the application of the right to development.

United Nations A/HRC/39/NGO/29

General Assembly

Distr.: General
29 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14219(E)

1814219

Please recycle

Human Rights Violations in Bahrain in the First Half of 2018••

The human rights situation in Bahrain continued to deteriorate in June 2018. 1782 serious human rights violations were observed between the 1st and 30th of June 2018, including arbitrary arrests, house raids, unfair trials, crackdown on peaceful protests, restrictions on freedom of movement, prohibition of Friday prayers, media materials that incite hate speech, torture, ill-treatment, injuries, destruction or confiscation of property and violation of freedom of religion and belief.

The number of violations of June exceeded that of May by 510 violations. The total violations were distributed as follows: 47 cases of arbitrary arrests, including 5 children; 74 citizens received arbitrary sentences, which amounted in total to 194 years and 3 months in prison, 4 revocations of nationalities and BD 14,500, equivalent to approximately US $38,564, of total fines and bails; 112 cases of torture and ill-treatment, including 25 cases of deprivation of treatment; 864 media materials that incite hate speech; 64 illegal raids on houses and residential facilities; 50 crackdowns on peaceful gatherings and protests; 459 individuals who were arrested or accused were referred to court because of trials that violate freedom of expression and peaceful assembly; violation of freedom of movement by the continuation of the siege on Duraz area for 740 days and the imposition of house arrest on the highest religious authority for the Shiite Muslims in Bahrain, Ayatollah Sheikh Isa Qassim, for 401 days without a judicial order or administrative decision; violation of freedom of religion and belief by prohibiting Friday prayer in Duraz 4 times in June, bringing the number of prohibitions to 103 times since 2016; 9 case of illegal confiscation of property; and 12 cases of destruction of property.

In **June**, Bahrain witnessed 255 protests, while since the beginning of the year the number of protests has reached 1950 even though there has been a complete ban on peaceful assembly for 1368 days. The number of arbitrary arrests since the beginning of the year has reached 423, including 60 children. Since 2012, the nationalities of 738 citizens have been revoked for political reasons. Moreover, since the beginning of the year, 502 illegal raids on houses and residential facilities have been conducted; 519 Bahraini citizens, including 5 women and 7 children, have been arbitrarily convicted; total sentences have amounted to 3083 years and 2 months in prison, in addition to a suspended 3-year jail term; total fines imposed on the arbitrarily convicted have amounted to US$ 1,057,840; and 10 sentences of arbitrary deportation and 16 death sentences including 4 cases which finished the levels of litigation have been issued.

Arbitrary arrests, raids and restrictions on freedom of movement

47 cases of arbitrary arrests, including 5 children, have been monitored. As midnight raids continued, 64 illegal raids on houses and residential establishments were monitored; they were carried out without arrest warrants and in a manner that spreads terror among citizens. Moreover, the freedom of movement continued to be violated through the continuation of the security siege on Duraz for 740 days and the imposition of house arrest on the highest religious authority for Shiite Muslims in Bahrain, Ayatollah Sheikh Isa Qassim, for 401 days without a judicial order or administrative decision. It is noted here that the restrictions on freedom of movement in Duraz continued until July 9 before being later terminated.

Meanwhile, the security authorities continued to violate freedom of religion and belief by banning Friday prayers in Duraz for 4 times in June, bringing the number to 103 preventions since 2016. In addition, 1373 Bahraini citizens have been accused or detained in the Public Prosecution and presented to the Bahraini judiciary for reasons relating to freedom of expression and peaceful assembly. It is noteworthy that those who were detained or accused because of taking part in the Duraz peaceful assembly (171 individuals) were presented to court on June 26, 2018, and the accused in the case of the so-called "Zulfiqar Battalions" (138 individuals) were presented on June 28, 2018 at the first appeal hearing.

Hate speech: 864 media materials

864 media materials and messages that incite or help to incite hatred against human rights defenders, political activists and Bahraini citizens were observed in June. Those materials were distributed among 112 media articles published in

the official press and 752 materials published on social media. The journalists, Faisal al-Sheikh, Farid Hassan, Mona Mutawa, Saeed al-Hamad, Sawsan al-Shaer, Fawzia al-Rasheed and Othman al-Majed continued to publish hate materials.

The hate-inciting media materials published in official press are distributed as follows: 21 articles in the Bahraini al-Ayam newspaper, 36 articles in the Bahraini Akhbar al-Khaleej newspaper, 17 articles in the Bahraini al-Bilad newspaper, and 38 articles in the Bahraini al-Watan newspaper.

In addition, 182 hate materials on the trial of Sheikh Ali Salman, Secretary General of the al-Wefaq National Islamic Society, were monitored. 59 hate materials against Prince Zeid bin Ra'ad al-Hussein, the High Commissioner for Human Rights, were monitored due to his criticism of the human rights situation in Bahrain. Moreover, 61 hate materials against granting Head of the Bahrain Center for Human Rights, Nabeel Rajab, an honorary citizenship by the Paris Municipality were monitored.

Unfair trials

Arbitrary sentences continued to be issued this month against a number of citizens. 74 Bahraini citizens were arbitrarily sentenced, and the trials culminated on June 5, 2018, as 29 individuals were arbitrarily convicted. The total of all issued arbitrary sentences amounted to the following: 194 years and 3 months in prison, BD 14,500 equivalent to approximately US $38,564 of total fines and bails, and 4 sentences of revocation of nationalities.

In addition, a death sentence and revocation of nationality were upheld by the Court of Cassation against Salman Isa Salman Ali, who is from al-Eker, on June 4, 2018.

Since the beginning of 2018, 8 children, who are under the age of 18, were arbitrarily sentenced. The total arbitrary sentences issued against them amounted to 28 years and six months in prison, 2 sentences of revocation of nationality and a fine of BD 2,784, equivalent to approximately $ 7,381. All arbitrary sentences were issued by the high court. Three of the children are from Bani Jamra, two are from Aali and the rest are from Karana and Sitra.

The most prominent sentences were against: Sadiq Jafar Mohammed Abdali, whose sentence included 15-year jail term, revocation of nationality, BD 2,784 fine and confiscation of seizures on February 1, 2018, and Sadiq Jafar al-Sammak, who was sentenced to 3 years in prison and his nationality, was revoked.

Torture, ill-treatment and destruction of property

112 cases of torture and ill-treatment were observed, however, it was noted that the number of prisoners, who are being deprived of treatment as a means of torture and retaliation, has increased this month as well.

The forms of ill-treatment observed were: deprivation of making calls (the case of detainee Ali al-Shagal from Duraz, 60 days, in addition to other detainees); illegal solitary confinement of several detainees, including detainee Sheikh Zuhair Ashour due to a religious event (performing "Laylat al-Qadr" rituals) and detainee Haida al-Mulla (child) due to refusing to sign a statement which he does not know its content; deprivation of attending funerals of first degree relatives (detainee Mostafa al-Madani from Bilad al-Qadeem after his brother died); deprivation of treatment of 25 cases; in addition, detainee Mohammad Hassan Abdul-Hussein from Ghuraifa was transferred to a cell dedicated for criminal prisoners and contagious diseases even though he does not suffer from any disease.

Results and recommendations

1 Bahraini authorities committed many arbitrary detentions against citizens and opposition activists, which to the least fall under the second or third categories, or both, accordance with the procedural definition adopted by the UN Working Group on Arbitrary Detentions.

2. The Bahraini authorities used a group of articles in its Penal Code, that criminalize freedom of expression in peaceful manners and aims; in order to silence the political opponents, human rights defenders and journalist activists, and others.

3. Those assigned to interrogate the detainees used very painful, yet non-fatal, torture methods, which do not leave marks on the victim's body, in order to hide any evidence that might lead to accountability.

4. The General Secretariat of the Grievances of the Ministry of Interior, and the Special Investigations Unit of the Public Prosecution, failed to eradicate torture and ill-treatment in prisons, or prevent impunity. The General Secretariat of the Grievances failed to issue transparent report on matters of complaints it received, and failed in its measures to tackle those complaints. The Special Investigations Unit failed to implement accountability on security men involved in cases of torture and ill-treatment.

5. We urge member states to further call on Bahrain to allow UN Special Rapporteurs to visit Bahrain, to monitor the human rights situation, and present their recommendations.

**Bahrain Forum for Human Rights (BFHR), NGO without consultative status, also shares the views exprcssed in this statement.

United Nations A/HRC/39/NGO/30

General Assembly

Distr.: General
3 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14496(E)
1814496

Please recycle

Israel's annexation of Jerusalem

The Palestinian Return Centre is extremely concerned with Israel's colonial domination over Jerusalem, and the international community's complicity in Israel's ongoing military occupation and settler colonialism.

The United Nations General Assembly Resolution 181 endorsed the internationalisation of the city of Jerusalem,1 which was previously the capital of occupied Palestinian territory during the Mandate period from 1922 until 1948. Nevertheless, in the wake of the ethnic cleansing which took place in 1948, Zionist forces forcibly displaced 80,000 Palestinians from West Jerusalem.2 In 1967 during the Six Day war, Israel annexed East Jerusalem and gained de facto control over the entirety of Jerusalem. Israel's annexation and subsequent control over Jerusalem does not establish a legal claim to sovereignty, for 'legal rights cannot derive from an illegal act (*ex injuria jus non oritur).'3* Therefore, the international community is obliged not to recognise the establishment of states or unlawful situations, which arise out of the use of force. While the international community responded to the annexation of Jerusalem with many Security Council Resolutions, including 242 in which it obliged Israel 'to withdraw from all territory that it occupied in 1967 including Jerusalem,'4 it is evident that stronger action should be taken as the situation continues to worsen.

Settlement Expansion at the Expense of Forced Displacement in East Jerusalem

The Amendment 30 to the Entry into Israel Law bill, which passed in March 2018, permits the Minister of Interior to revoke the residency of Jerusalemites for a number of reasons. The first reason is based on a Jerusalemite's presumable 'breach of loyalty' to Israel, the second reason covers Jerusalemites whom supposedly obtained their residency permit through 'false information,' and the final reason applies to Jerusalemites whom have committed a criminal act according to the Ministry of Interior.5 As an internationally recognised occupied territory where humanitarian law applies, revoking residency based on a breach of loyalty to Israel is in direct contravention of Israel's obligations under humanitarian law and human rights law. Article 45 of the Hague Regulations indicates that 'it is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile power,'6 consequently a residency revocation law based on allegiance is unfounded and limits Palestinians right to resist the occupation. The law is also in breach of Article 12 of the ICCPR, which reads 'everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.'7 Furthermore, the selective applicability of the law to Palestinian residents only, is a testament of its discriminatory nature, which means Israel is in violation of the customary international law on non-discrimination. Finally, the forcible transfer that would inevitably occur to a Jerusalemite following his residency revocation constitutes a violation of the Fourth Geneva Convention Article 49: 'individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive.'8 Also, forcible transfer is classified as a war crime under the Rome Statute of the International Criminal

---

1 Unispal.un.org. (2018). A/RES/181(11) (1947) of 29 November 1947. [online] Available at: https://unispal.un.org/DPA/DPR/unispal.nsf/0/7F0AF2BD897689B785256C330061D253 [Accessed 30 July 2018]

2 Erekat, Noura.(2017)" Making Sense of Jerusalem, Gaza, and Anti-BDS Legislation in the United States", Jadaliyya [Online] http://quickthoughts.jadaliyya.com/pages/index/26952/making-sense-of- jerusalem-gaza-and-anti-bds-legisl

3 Dawidowicz, Martin. "The Obligation of Non-recognition of an Unlawful Situation' in The Law of International Responsibility. Ed James Crawford, Alain Pellet, & Simon Olleson. Oxford University Press: 2010. P. 677.

4 Unispal.un.org. (2018). S/RES/242 (1967) of 22 November 1967. [online] Available at: https://unispal.un.org/DPA/DPR/unispal.nsf/0/7D35E1F729DF491C85256EE700686136 [Accessed 30 July 2018]

5 "Israel passes law to strip residency of Jerusalems ...," Al Jazeera, March 7, 2018, , accessed March 9, 2018, https://www.aljazeera.com/news/2018/03/israel-passes-law-strip-residency-jerusalem-palestinians-180307153033538.html

6 International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 18 October 1907, available at: http://www.refworld.org/docid/4374cae64.html [accessed 9 March 2018]

7 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: http://www.refworld.org/docid/3ae6b3aa0.html [accessed 9 March 2018]

8 International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, available at: http://www.refworld.org/docid/3ae6b36d2.html [accessed 9 March 2018]

Court.9 Most importantly, such powers to revoke residency so easily reaffirm the Israeli apartheid regime and its quest to 'depalestinise' and 'Judaise' Jerusalem entirely. As of date, 14,500 Jerusalemites have had their residency permits revoked.10

Revoking Palestinians' residency is but one of a myriad of measures carried out by Israel to draw closer the dangerous de-Palestinisation and consequent 'Judaisation' of Jerusalem. Other measures include house demolitions and house evictions. Israel also seeks to entrench a Jewish majority in Jerusalem by diminishing the Arab population through imposing restrictions on the registration of newborns,11 and removing the Shaufat refugee camp and the neighbourhood of Kufr Aqb as well as bringing Ma'aleh Adumim and other large West Bank Jewish settlements into the Jerusalem municipality.12

Additionally, there are currently 566 new homes being built in East Jerusalem settlements, as a result of a 2017 decision.13 Of those 566, 176 new housing units will be built in the settlement of Nof Zion, which is surrounded by the Palestinian district of Jabal Mukaber. Nof Zion will almost triple in size, making it the largest settlement inside a Palestinian area of East Jerusalem.14 These actions taken by Israel go against Security Council Resolution 2334 of 2016 which 'reaffirms that the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law.'15

The Movement of US and Other Embassies to Jerusalem

In December 2017, the Government of the United States of America announced its unilateral recognition of Jerusalem as the capital of Israel, and in May 2018 the US as well as Guatemala, Panama and Romania all moved or are in the process of moving their embassies to Jerusalem. The US decision is based on the Jerusalem Embassy Act adopted by Congress in 1995, which urged the government to relocate the American embassy to Jerusalem and recognise it as the capital of Israel. This American decision goes against international law as it breaks over 9 Security Council resolutionsby normalising Israel's occupation of East Jerusalem, and severely violates Palestinians' right to independence and self-determination.16 In Resolution 478 of 1980, the Security Council did not recognise Israel's Basic Law, in which it declared Jerusalem as its capital, and specifically called upon member states, which have 'established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.' While the US Veto hindered the production of another Security Council Resolution on the issue, a staggering majority vote on General Assembly Resolution ES-10/L.22
indicates that the international community should take a stronger stance against the United States of America and other countries, which have violated the status of Jerusalem under international law, by claiming it to be the Israeli capital.

The Palestinian Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Take strong measures to ensure Israel complies with international law to bring an end to its illegal occupation of Jerusalem.
- Enforce an accountability mechanism against all states complicit in exasperating Israel's violation of international law in regards to the status of Jerusalem.

---

9 UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6, available at: http://www.refworld.org/docid/3ae6b3a84.html [accessed 9 March 2018]

10 Refer to infographic available at: http://www.alhaq.org/publications/papers/VP-ResidencyRevocation-FINAL-20170612.pdf

11 Tamara Tamimi, "Revocation of Residency of Palestinians in Jerusalem: Prospects for Accountability," Jerusalem Quarterly, no. 72 (December 2017): accessed March 9, 2018, http://www.palestine-studies.org/sites/default/files/jq-articles/Pages%20from%20JQ%2072%20-%20Tamimi.pdf.

12 Middle East Eye. (2017). Israeli MPs vote to add Jewish settlements to Jerusalem. [online] Available at: http://www.middleeasteye.net/news/israeli-lawmakers-vote-set-high-bar-ceding-parts-jerusalem- 1424454939 [Accessed 18 Aug. 2017].

13 (www.dw.com), D. (2017). Israel approves 566 new homes in east Jerusalem settlements | Middle East | DW | 22.01.2017. [online] DW.COM. Available at: http://www.dw.com/en/israel-approves-566-new- homes-in-east-jerusalem-settlements/a-37229751 [Accessed 18 Aug. 2017].

14 "New East Jerusalem Settler Homes Approved." BBC News. N.p., 2018. Web. https://www.bbc.com/news/world-middle-east-41750916 [Accessed 29 July 2018].

15 UN Security Council, Security Council resolution 2334 (2016) [on cessation of Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem], 23 December 2016, S/RES/2334 (2016), available at: http://www.refworld.org/docid/587f347a4.html [accessed 1 August 2018]

16 Security Council resolutions 242, 250, 251, 252, 267, 271, 446, 1435, 2334

- Ensure that the human rights of Palestinians in East Jerusalem are respected and that residency revocations, home demolitions, and impositions on new born registrations are halted.
- Recall that Israel was accepted into the United Nations on condition that it is a 'peace-loving state' abiding by the obligations contained in the United Nations Charter which forces member states to 'agree to accept and carry out the decisions of the Security Council.'17

---

17 United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, available at: http://www.refworld.org/docid/3ae6b3930.html [accessed 1 August 2018]

United Nations A/HRC/39/NGO/31

General Assembly

Distr.: General
30 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14275(E)
1814275

Please recycle

Legalising Apartheid in Israel

On 19 July 2018, Israel's legislative branch of the government, the Knesset, adopted the "Basic Law: Israel as the Nation-State of the Jewish People". This "Jewish nation-state" bill became Israel's 14th Basic Law by a vote of 62 in favour, 55 against and two abstentions. It declares Israel as the nation-state of the Jewish people while it specifies in law the state's seven-branched menorah emblem, anthem, the Hebrew calendar as the only official calendar, Jerusalem (complete and united, as Israel's capital), Hebrew as state's only language and the right of all Israeli residents to preserve their heritage without consideration of religion and nationality[1].

The law grants religious and national communities the right to maintain a segregated habitat in the state (namely, the practice of having exclusive villages and towns for Jews). Even though Palestinians are the original and indigenous inhabitants of the country they will be officially considered second-rate citizens under an apartheid system that will not allow them to live in exclusive Jewish communities or have the same state benefits, access to land, and freedom of movement and association as the Jewish citizens.[2]

In this bill it is clear that words and values like democracy and equality are not included. Instead of promoting and guaranteeing equal rights for all the residents, the Israeli far-right government chose to only promote the state's Jewish character. In doing so, the new law provides the legal basis for discrimination and exclusion and encourages hatred against Arabs and further displacement of Palestinians, as the state places "national value on development of Jewish settlement and will act to encourage and promote its establishment and consolidation" and adds "the right to exercise national self-determination in the state of Israel is unique to the Jewish people"[3].

As the Basic law defines "The right to exercise national self-determination in the State of Israel is unique to the Jewish people"[4], making Jewish people the only ones to hold the right to exercise national self-determination in Israel. At the same time, Palestinian Arab lawmakers call it discriminatory based on the fact that the new legislation formalises the concept that Israel is a state exclusively for Jewish people, ignoring Israel's minority, like Palestinian Arabs that make up 20% of the population. Taken that the bill now downgrades Arabic from an official language to special status and the fact that Palestinian people were already treated like second class citizens, the law will deepen their sense of alienation and continue to their discrimination.

Among lawmakers, Palestinian members of the Israeli Knesset condemned the law as well, as they claimed it enjoys constitutional power, as an "apartheid law"[5]. Adalah, a leading Palestinian human rights organization in Israel, describes how the law "affirms the principle of apartheid in housing, land and citizenship." Adalah concludes that "this law constitutionally sanctions institutionalized discrimination"[6]. Adalah General Director, Hassan Jabareen, responded to the Israeli parliament's vote to approve the Nation-State Law: "The Jewish Nation-State Law features key elements of apartheid, which is not only immoral but also absolutely prohibited under international law. The new law constitutionally enshrines the identity of Israel as the nation-state of the Jewish people only – despite the 1.5 million

---

[1] The Jerusalem Post | JPost.com. (2018). Read the full Jewish Nation-State Law. [online] Available at: https://www.jpost.com/Israel-News/Read-the-full-Jewish-Nation-State-Law-562923 [Accessed 1 Aug. 2018].

[2] Pappe, I. (2018). Israel's new law is a form of apartheid. [online] The Hindu. Available at: https://www.thehindu.com/opinion/op-ed/israels-new-law-is-a-form-of-apartheid/article24513993.ece [Accessed 1 Aug. 2018].

[3] The Jerusalem Post | JPost.com. (2018). Read the full Jewish Nation-State Law. [online] Available at: https://www.jpost.com/Israel-News/Read-the-full-Jewish-Nation-State-Law-562923 [Accessed 1 Aug. 2018].

[4] ibid

[5] BNC, Adalah, Berekdar, N. and Barghouti, O. (2018). "Israel effectively declares itself an apartheid state". [online] BDS Movement. Available at: https://bdsmovement.net/news/israel-effectively-declares-itself-apartheid-state [Accessed 1 Aug. 2018].

[6] Adalah.org. (2018). Israeli parliament votes to approve Nation-State Law that enshrines Jewish supremacy over - Adalah. [online] Available at: https://www.adalah.org/en/content/view/9565 [Accessed 1 Aug. 2018].

Palestinian citizens of the state and residents of East Jerusalem and the Golan Heights – and guarantees the exclusive ethnic-religious character of Israel as Jewish. By defining sovereignty and democratic self-rule as belonging solely to the Jewish people – wherever they live around the world – Israel has made discrimination a constitutional value and has professed its commitment to favouring Jewish supremacy as the bedrock of its institutions."[7]

Najwan Berekdar, a Palestinian citizen of Israel, opposed to the new law, "as a Palestinian citizen of this state, this bill entrenches my third-class citizenship on the land where generations of my family have lived since long before the state of Israel even existed. The Jewish-Israeli majority is loudly reminding us indigenous Palestinian citizens of Israel that we are not welcome in our own ancestral homeland. My people have always suffered from legalized racism by the state of Israel and its institutions, but this law makes our apartheid reality the law of the land like never before"[8]. Omar Barghouti from the Palestinian BDS National Committee commented: "Israel has dozens of racist laws, including some which strikingly fit the UN definition of apartheid. But with the constitutional power of this Basic Law, Israel is effectively declaring itself an apartheid state and dropping its worn-out mask of democracy."[9]

While this new nation-state bill has just recently passed into law, its origins date further back, reflecting Israel's resistance to meet the demands for equality made by its Palestinian citizens. Until today, there are more than 65 Israeli laws that still discriminate, directly or indirectly, against Palestinian citizens in Israel and Palestinian residents of the Occupied Palestinian Territories[10]. One of the laws that already marginalise Palestinians is Basic Law: Israel Lands (1960) that stipulates ownership of "Israel lands". Controlled by the state and authorities like Jewish National Fund (JNF) and the Development Authority, allocation of the ownership of land that can only be transferred between the three entities, while acknowledging that the JNF leases land it owns to Jews only[11].

In 1950, the Law of Return gave Jews around the world the right to automatically become Israeli citizens. At the same time, the Absentees' Property Law (1950) gave to Palestinian refugees, expelled after 29 November 1947, the status of "absentees" while denying any rights on their land, houses and bank accounts which were confiscated by the Israeli state. For Palestinians living in Jerusalem, even if they have a "permanent" residency status, their entrance and residency is "a revocable privilege, instead of an inherent right"[12]. In March 2018, Israel passed a law according to which the interior minister has the power to revoke the residency rights of any Palestinian in Jerusalem on the grounds of a "breach of loyalty" to Israel[13].

Furthermore, the Ban on Family Unification has recently become a permanent law that prevents family unification when one spouse is an Israeli citizen and the other is a resident of the occupied territories, forcing many families to split apart, move abroad, or live in Israel in fear of constant deportation. Lastly, the Nakba Law was introduced in 2011, allowing the finance minister to reduce funding or support to an institution if it holds an activity that commemorates Israel's Independence Day as a day of mourning, depriving by law Palestinian citizens' right to commemorate the Nakba, an integral part of their history. As Adalah has noted, the majority of these laws were adopted since 2000, while from 2009 until now Israeli elections have brought to power the most right-wing government coalitions led by Prime Minister Benjamin Netanyahu. Israel's newest Jewish nation-state law passed on Thursday is just the latest effort to entrench ethnic superiority by promoting racist policies.

---

[7] Adalah.org. (2018). Israeli parliament votes to approve Nation-State Law that enshrines Jewish supremacy over - Adalah. [online] Available at: https://www.adalah.org/en/content/view/9565 [Accessed 1 Aug. 2018].

[8] BNC, Adalah, Berekdar, N. and Barghouti, O. (2018). "Israel effectively declares itself an apartheid state". [online] BDS Movement. Available at: https://bdsmovement.net/news/israel-effectively-declares-itself-apartheid-state [Accessed 1 Aug. 2018].

[9] Ibid.

[10] Adalah.org. (2018). The Discriminatory Laws Database - Adalah. [online] Available at: https://www.adalah.org/en/content/view/7771 [Accessed 1 Aug. 2018].

[11] Aljazeera.com. (2018). Five ways Israeli law discriminates against Palestinians. [online] Available at: https://www.aljazeera.com/news/2018/07/ways-israeli-law-discriminates-palestinians-180719120357886.html [Accessed 1 Aug. 2018].

[12] Ibid.

[13] Ibid.

This law guarantees the ethnic-religious character of Israel as exclusively Jewish and determines and entrenches the national interest enjoyed by Jewish citizens, while simultaneously anchoring and justifying systemic inequality and racism against the Palestinian Arab population. By deliberately choosing to pass the law, the Israeli government is now further denying the possibility that Palestinians will have equal rights under its rule.

United Nations A/HRC/39/NGO/32

General Assembly

Distr.: General
30 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14276(E)

1814276

Please recycle

Israel's deadly repression of unarmed protesters and tightening the siege in the Occupied Gaza Strip

On March 30th 2018, thousands of Palestinians peacefully demonstrating in the Occupied Gaza Strip demanded that the international community implement their legitimate right of return to homes and lands in what is now Israel, as also called in UN resolution 194. The demonstrations have occurred as part of the 'Great March of Return', a series of mass protests, taking place along Israel's perimeter fence with Gaza. The largely peaceful protest have been met by a brutal response from Israeli snipers sitting on the fence that keeps almost 2 million people besieged in the Gaza Strip. Hundreds of unarmed Palestinians have been killed and thousands critically injured. According to the UN, "Gaza's health sector is struggling to cope with the mass influx of casualties, due to years of blockade, and a chronic energy crisis, which have left essential services in Gaza barely able to function."[1]

The response by the Israeli Occupation Forces (IOF) has been characterized by the deliberate shooting of unarmed protesters who posed no serious threat to the lives of the soldiers. The high number of deaths and injuries on the Palestinian side and the fact no Israeli has been killed or injured should cause great concern for the policy of the Israeli government. A spokesman for Israeli Prime Minister Benjamin Netanyahu's ruling Likud faction, B. Hazan, told i24NEWS that all 30,000 protesters who marched on the Israeli fence from the Gaza Strip were "legitimate targets." Human Rights Watch concluded that the murders of Palestinians in Gaza were 'unlawful' and 'calculated' and that Israeli 'officials gave green-light shooting of unarmed demonstrators.'[2]

An update from June 25th announced that the total number of Palestinians killed by Israeli forces is 131, including 15 children and a woman, since the weeks-long massive demonstrations began.[3] The UN's health cluster indicates that since the start of demonstrations on 30 March up to 30 June, a total of 15,501 Palestinians were injured by Israeli forces, of whom 8,221, or over half, required hospitalization. Among the latter, 63 per cent were limb injuries, and nearly half (4,023) were the result of gunshot wounds.[4] . Of the total injuries, 427 were caused by rubber bullets, 1466 are of tear-gas suffocation; 366 of the injuries are critical, 3,746 were declared moderate and 10,699 light. Two paramedics, including a female paramedic (Razan Al Najjar) were killed, and 229 medics were injured with live ammunition and tear-gas suffocation, while 39 ambulances were partly damaged.

OCHA oPt announced that over 1,400 may suffer long-term disability due to injuries caused from snipers. According to the UN agency, "Some injuries have caused long-term

---

[1] Ocha.org. (2018). Humanitarian Snapshot: Casualties In The Context Of Demonstrations And Hostilities In Gaza | 30 March - 12 June. [online] Available at: http://www.ochaopt.org/content/humanitarian-snapshot-casualties-context-demonstrations-and-hostilities-gaza-30-march-12. [Accessed 1 Aug. 2018].

[2] Human Rights Watch.org (2018). Israel: Gaza Killings Unlawful, Calculated. Available at: https://www.hrw.org/news/2018/04/03/israel-gaza-killings-unlawful-calculated [Accessed 1 Aug. 2018].

[3] Inemc.org. (2018). Ministry of Health: 131 Palestinians Killed, Over 14 Thousand Injured in Great March of Return– IMEMC News. [online] Available at: http://inemc.org/article/ministry-of-health-131-palestinians-killed-over-14-thousand-injured-in-great-march-of-return/ [Accessed 1 Aug. 2018].

[4] Ocha.org. (2018). Addressing rehabilitation needs of Palestinians seriously injured during Gaza demonstrations: Over 1,400 may suffer long-term disability. [online] Available at: https://www.ochaopt.org/content/addressing-rehabilitation-needs-palestinians-seriously-injured-during-gaza-demonstrations [Accessed 1 Aug. 2018].

disability: as of 3 July, 53 had received lower limb amputations and eight had upper limb. Eleven of the amputees are children. Additionally, at least ten other Palestinians have been left paralyzed following spinal cord injuries. In the majority of the additional cases the full implications of the injury will only become clear in the future, depending on the quality of treatment and rehabilitation. 454 patients suffered severe vascular injuries and 954 patients sustained comminuted fractures, where the bone is splintered into more than two fragments and there is a higher risk of limb shortening and need for assistive devices once fractures have healed."[5]

Further, medics on the ground say Israeli forces are shooting at demonstrators with what are being known as the "butterfly bullet", which explodes upon impact, pulverizing tissue, arteries and bone, while causing severe internal injuries. Medical staff from Doctors Without Borders (MSF) operating in Gaza say patients who have been shot with the rounds have sustained fist-sized wounds of an "unusual severity" and will have to undergo "complex surgical operations".[6] Explosive rounds were banned internationally under the 1899 Hague Convention because of the "unnecessary injury and suffering caused from large bullet wounds".[7] Under international law, when the use of force is unavoidable, law enforcement officials must make all efforts to minimise injury.

In July 2018 Israeli occupation forces introduced new restrictions relating to the siege and blockade of the Gaza Strip, ongoing since 2007. On 9 July 2018, the Government of Israel (GoI) announced it was tightening restrictions on access to Gaza via Kerem Shalom, the main commercial crossing, explicitly noting that the measures were in response to Hamas sending incendiary kites and balloons into Israel. The UN declared in a statement: "New restrictions imposed by the Israeli authorities on 9 July, and further increased yesterday 16 July, prohibit the entry of goods except medical and food supplies; prohibit the exit of all goods; and restrict the fishing area along the Gaza coast to three nautical miles " The policy of the Israeli authorities against Palestinians in Gaza is having an extreme impact on their daily lives. These measures continue to amount to collective punishment of a population under siege and under military occupation. The water and electricity crisis in the Gaza Strip is particularly concerning. Virtually all running water is undrinkable. Further, families receive around only 4 hours of electricity daily. According to OXFAM "An 11-year-old in Gaza has never experienced a full day of electricity."[8] OCHA opt announced that "US$4.5 million in funding is urgently needed for emergency fuel, which runs out in early August."[9]

No Accountability

Human Rights Watch has stated that "Third countries should impose targeted sanctions against Israeli officials responsible for ongoing serious human rights violations."[10] Meanwhile Amnesty International renewed its call on governments worldwide to "impose a

---

[5] Ibid.

[6] Gadzo, M. (2018). Palestinians face explosive bullets, dangerous gas bombs. [online] Aljazeera.com. Available at: https://www.aljazeera.com/indepth/features/palestinians-face-explosive-bullets-dangerous-gas-bombs-180501091514736.html [Accessed 1 Aug. 2018].

[7] Ibid.

[8] Oxfamilibrary.openrepository.com. (2018). Israel tightens Gaza blockade, civilians bear the brunt. [online] Available at: https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620527/mb-gaza-israel-blockade-civilians-270818-en.pdf [Accessed 1 Aug. 2018].

[9] Ocha.org. (2018). Humanitarian Coordinator warns of worsened crisis in Gaza following new import and export restrictions. [online] Available at: https://www.ochaopt.org/content/humanitarian-coordinator-warns-worsened-crisis-gaza-following-new-import-and-export [Accessed 1 Aug. 2018].

[10] Human Rights Watch.org (2018). Israel: Apparent War Crimes in Gaza. [online] Available at https://www.hrw.org/news/2018/06/13/israel-apparent-war-crimes-gaza. [Accessed 1 Aug. 2018].

comprehensive arms embargo on Israel following the country's disproportionate response to mass demonstrations along the fence that separates the Gaza Strip from Israel."[11] Amnesty further states that "the international community must act concretely and stop the delivery of arms and military equipment to Israel. A failure to do so will continue to fuel serious human rights abuses against thousands of men, women and children suffering the consequences of life under Israel's cruel blockade of Gaza. These people are merely protesting their unbearable conditions and demanding the right to return to their homes and towns in what is now Israel." [12]

PRC welcomes Human Rights Council's resolution S-28/1 adopted in May 2018 during the 28th special session that called for international commission of inquiry into the large-scale killings of Palestinian protesters in Gaza. The Israeli government has consistently shown its inability to independently investigate crimes committed by the army in accordance with international standards. Israel has announced an internal investigation on the events, described by Israeli human rights organisation B'Tselem as "pure propaganda" and part of Israel's standard "whitewashing toolkit", based on the record of previous inquiries.[13] It is, therefore, extremely concerning that key European states such as the United Kingdom and Germany, decided to abstain and not support the resolution calling for the an inquiry into the killings of peaceful protests in Gaza. PRC calls on member states of the council to support resolution S-28/1 and impose accountability measures on Israel, including economic sanctions and arms embargoes, until it ends its oppression against Palestinians.

---

[11] Amnesty.org. (2018). Israel: Arms embargo needed as military unlawfully kills and maims Gaza protesters. [online] Available at: https://www.amnesty.org/en/latest/news/2018/04/israel-arms-embargo-needed-as-military-unlawfully-kills-and-maims-gaza-protesters/ [Accessed 1 Aug. 2018].

[12] Ibid.

[13] B'Tselem. (2018). If the heart be not callous. [online] Available at: https://www.btselem.org/publications/summaries/201804_if_the_heart_be_not_callous [Accessed 1 Aug. 2018].

United Nations A/HRC/39/NGO/33

General Assembly

Distr.: General
3 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14497 (E)

Please recycle

The Livelihoods of Palestinian Refugees in Jordan's Wihdat refugee camp

The Palestinian Return Centre (PRC) would like to bring to the Council's attention the dismal living situations of Palestinian refugees in Jordan's Wihdat refugee camp, and Israel's complicity in their situations due to its denial of their right of return.

Characteristics of Wihdat's Inhabitants

Jordan hosts the majority of Palestinian refugees outside of historical Palestine; the latest UNRWA statistics dating back to 2016 indicate that there were 2,175,491 registered Palestinian refugees in the country.[1] The Wihdat refugee camp, which is home to 58,311[2] of those 2 million Palestinian refugees, is one of the four camps that were set up after the 1948 war. Today, the camp has been co-opted into the urban landscape of the capital city Amman and is considered among its poorest neighborhoods.

The majority of the camp's inhabitants at 87.9% are Palestinian refugees who hold Palestinian citizenship.[3] Citizenship was given to Palestinian refugees based on Article 3 (b) of the Jordanian constitution.[4] Citizenship for Palestinian refugees unlocked the doors to access the right to work, property ownership, healthcare, and social protection, which are denied to other Palestinian refugees in Jordan with no citizenship.[5]

of everyone Livelihoods

Article 11 of the International Covenant on Economic Social and Cultural Rights obliges signatories to 'recognise the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.'[6]

The standards of living within the camp fall drastically short of being adequate. The camp is ranked second of the ten camps within Jordan in terms of poverty with 34% of its inhabitants reportedly having an income below the national poverty line of JD 814.[7] Additionally, 38% of households had a monthly income ranging between 101-200 JD.[8] In terms of employment, The camp is ranked second out of the ten camps in female unemployment standing at 24%.[9] Most of the employed, at 63.3%, work outside the camp due to the lack of opportunities.[10] Furthermore, despite having Jordanian citizenship, Palestinian refugees face obstacles when seeking to work in the public sector. Since the Syrian conflict, a huge demographic change has occurred as many Syrian refugees settled within Wihdat camp. With their

---

1 "Jordan | UNRWA". 2018. UNRWA. https://www.unrwa.org/where-we-work/jordan.

2 Department of Palestinian Affairs - Link

3 Fafo, DOS, DPA "Survey of Living Conditions of Palestinian Refugees in the Camps of Jordan" – Tabulation Report for the Wihdat Camp. 2011. Accessed May 27, 2018. http://fafoarkiv.no/ais/middeast/jordan/livingconditions/camps/wihdat.pdf

4 *Constitution of the Hashemite Kingdom of Jordan* [Jordan], 1 January 1952, available at: http://www.refworld.org/docid/3ae6b53310.html [accessed 31 March 2018]

5 Shiblak, A, (2006), 'Stateless Palestinians', in Forced Migration Review, n.26.

6 UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: http://www.refworld.org/docid/3ae6b36c0.html [accessed 1 August 2018]

7 Åge Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity Insights Into The Socio-Economic Conditions Of Palestinian Refugees In Jordan* (Norway: Fafo, 2013), accessed June 17, 2017, https://www.unrwa.org/sites/default/ les/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.

8 Fafo, DOS, DPA "Survey of Living Conditions of Palestinian Refugees in the Camps of Jordan" – Tabulation Report for the Wihdat Camp. 2011. Accessed May 27, 2018. http://fafoarkiv.no/ais/middeast/jordan/livingconditions/camps/wihdat.pdf

9 Åge Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity Insights Into The Socio-Economic Conditions Of Palestinian Refugees In Jordan* (Norway: Fafo, 2013), accessed June 17, 2017, https://www.unrwa.org/sites/default/ les/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.

10 Fafo, DOS, DPA "Survey of Living Conditions of Palestinian Refugees in the Camps of Jordan" – Tabulation Report for the Wihdat Camp. 2011. Accessed May 27, 2018. http://fafoarkiv.no/ais/middeast/jordan/livingconditions/camps/wihdat.pdf

arrival, prices of properties, rent and basic goods soared, and the available job opportunities diminished. As a result of poverty and lack of opportunity, an illicit drug trade has flourished within the camp.

Despite having very high rates of poverty, only 34.3% of households receive assistance from UNRWA's Social Safety Net Program, and only 8.2% receive any assistance from the Government's National Aid Fund despite having Jordanian citizenship. In fact, statistics that are more recent indicate that the number of refugee households receiving aid from UNRWA[11] is only 165 out of the 12630 total number of households; this only amounts to 1.3% of the camp's population.

Health

The Wihdat refugee camp has one of the lowest median per capita square metres of living space among the camps making it one of the most crowded camps in Jordan. Over-crowdedness has a number of psychological and health negative effects.[12] From the perspective of physical health, 12.1% of the camp's inhabitants have a chronic health failure due to illness, injury or both.[13] Of those suffering a chronic health failure, 62.9% are unable to work and face a major hindrance by their health condition. What is most alarming is that the camp's inhabitants have a high rate of refugees with no health insurance measured at 65.9%.[14]

Right of Return

It is crucial to reiterate that the deprivation faced by Palestinians of the Wihdat camp is caused by Israel's denial of their right of return. 80.4% of the refugees have lived in the camp since birth, and if they were allowed to, many of them would return to Palestine and to the properties and families they left behind. Article 12 (4) of the International Covenant on Civil and Political Rights, stipulates that: 'no one shall be arbitrarily deprived of the right to enter his own country.'[15] Furthermore, Palestinian refugee's right of return is enshrined in General Assembly Resolution 194, which resolves that 'the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so… and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property.'[16]

Recommendations

The safety nets provided by both UNRWA and the Jordanian Government are key to the survival of the poor population of Palestinian refugees living in Wihdat camp. Despite the financial problems facing UNRWA, and the direct negative effects these have on UNRWA's beneficiaries, it is imperative to refocus the world's attention on the importance of finding a just and lasting solution to the conflict that would respect the right of return and consequently eliminate the vulnerability and deprivation experienced by Palestinian refugees. The plight and dismal situations of the refugees of the occupied Palestinian territory is directly caused by Israel, which had forcibly displaced them in 1948 and subsequently denied them the right of return consistently for the last 70 years.

The Palestinian Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Put pressure on the Jordanian government to eliminate any and all discrimination faced by Palestinian refugees with Jordanian citizenship in line with its international human rights obligations
- Support the Jordanian government, which is shouldering the responsibility of hosting 2.2 million Palestinian refugees in its borders.

---

11 Department of Palestinian Affairs - Link

12 Åge Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity Insights Into The Socio-Economic Conditions Of Palestinian Refugees In Jordan* (Norway: Fafo, 2013), accessed June 17, 2017, https://www.unrwa.org/sites/default/ les/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf.

13 Fafo, DOS, DPA "Survey of Living Conditions of Palestinian Refugees in the Camps of Jordan" – Tabulation Report for the Wihdat Camp. 2011. Accessed May 27, 2018. http://fafoarkiv.no/ais/middeast/jordan/livingconditions/camps/wihdat.pdf

14 Fafo, DOS, DPA "Survey of Living Conditions of Palestinian Refugees in the Camps of Jordan" – Tabulation Report for the Wihdat Camp. 2011. Accessed May 27, 2018. http://fafoarkiv.no/ais/middeast/jordan/livingconditions/camps/wihdat.pdf

15 UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: http://www.refworld.org/docid/3ae6b3aa0.html [accessed 1 August 2018]

16 A/RES/194 (III)- https://unispal.un.org/DPA/DPR/unispal.nsf/0/C758572B78D1CD0085256BCF0077E51A

- Aid UNRWA with the aim of expanding the coverage of the Social Safety Net programme to more poor refugees from Wihdat Camp, taking into account intlation and the rising prices caused by the arrival of Syrian refugees who receive much more support from the UNHCR
- Provide help to UNRWA and Jordan's Department of Palestinian Affairs in improving the livelihoods of refugees in Wihdat camp including access to food, housing conditions, and quality of health services.
- Collaborate with UNRWA and the Jordanian Government to increase the number of refugees with health insurance
- In line with the UN Sustainable Development Goals, the international community should act to achieve Goal number 1, which aims to eradicate poverty amongst the Palestinian refugee population in Jordan.

United Nations A/HRC/39/NGO/34

General Assembly

Distr.: General
3 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14498(E)
1814498

Please recycle

Victims of Torture and Forced Disappearance among the Palestinians of the Syrian Arab Republic

Overview

As anti-government uprisings have been met with brutal crackdowns and mass detentions across the embattled Syrian territories, hundreds of Palestinians have been secretly hanged in the country's secret dungeons.

Witness accounts by activists, ex-detainees, and testimonies provided proof of fatal torture among Palestinian refugees throughout the country's seven-year conflict.

Deprived of the legal and physical protection laid down by international conventions such as the 1951 Refugee Convention, the Palestinians of the Syrian Arab Republic have fallen victims to extra-judicial killing, arbitrary detention, forced disappearance, and psycho-physical torture.

The Action Group for Palestinians of Syria (AGPS) documented the death of 536 Palestinians, among them 34 women, as a result of torture in Syrian prisons run by the government or by opposition groups. Hundreds more have had their lives turned upside down due to the psycho-physical upshots wrought by the ruthless torture tactics they have been made to endure.

Victims of Torture

AGPS data indicates that 1,682 Palestinian refugees have been incarcerated in Syrian jails under very dire conditions.

Affidavits by ex-detainees provided evidence of harsh torture tactics, including electric shocks, heavy beating using whips and iron sticks, and sexual abuse, in a flagrant violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, commonly known as the United Nations Convention against Torture (UNCAT).

Internationally recognized human rights reports said detainees' bodies have been withheld in government-run schools, factories, pitches, military bases, hospitals, and subterranean vaults.

The opposition groups have also been involved in crimes of torture and enforced disappearance. One such case occurred on March 20, 2013, when the Palestinian refugee Basel Abboud was kidnapped by opposition gunmen from AlHajar AlAswad zone, adjacent to Yarmouk Camp. He was pronounced dead sometime later. Traces of harsh torture were spotted all over his body.

Marwan Awad, from Khan Eshieh Camp, west of Damascus, received a similar fate. His mutilated corpse appeared at a government hospital in Damascus on November 3, 2012, just a couple of days after he was kidnapped by anti-government forces.

Arbitrary Detention and Enforced Disappearance

Abduction at Checkpoints

The Syrian government green-lighted the abduction of persons over alleged affiliations with opposition groups along with those whose names appear on unverified lists of wanted persons. Holders of similar names were often captured in such sweeps and made to endure exhaustive questioning.

Abductions at Main Entrances to Besieged Zones

Scores of Palestinian refugees were kidnapped by Syrian government troops on their way out of opposition-led zones. Seeking to toughen its crackdown on movement, the Syrian government stipulated that in order for Palestinian refugees sheltered in Yarmouk Camp and the towns of Yalda, Babila, and Beit Sahem to gain access to Damascus a formal consent should be issued to that very end.

Abduction of Refugees on Their Way to Fetch Relief Items

Several Palestinian refugees were arrested as they rummaged around for relief items. Refugee Mohamed AlSersawi, aged 50, was pronounced dead on August 5, 2014 as a result of torture. He was kidnapped at the Sabina checkpoint in Rif Dimashq as he left the area seeking relief items.

Withholding of Death Notices for Prisoners:

The families of Palestinian detainees in Syrian penitentiaries have been subjected to blackmailing as they attempted to identify their relatives' fates. Appeals for information have often been met with firm rebuffs or gag orders by Syria's uncompromising prison authorities.

A list of names released by the Syrian government in July 2018 and handed over to the civil registration office shows that most of the refugees died shortly after they were sent to jail. However, they were pronounced dead after a long while.

For instance, Palestinian refugee Yaser Yousef AlKarkati, jailed since 2013, was pronounced dead on July 18, 2018, almost three years after he died (reportedly in October 2015).

Bodies Withheld by Prison Authorities:

Scores of dead bodies have been withheld by the Syrian government forces. The families receive the death notice but rarely see their relatives' corpses, in a measure that stirs doubt as to the bodies' condition. Cases of organ pillage and despoliation have been frequently reported. Most of the casualties' bodies have been withheld by the Syrian government forces, in what activists dubbed another crime perpetrated by the government militias in war-torn Syria.

Withholding the bodies of slain civilians is prohibited under international law, except in cases where pillage and mistreatment are feared to occur. The Fourth Geneva Convention, the Hague Convention, and the Rome Statute consider the despoliation and mistreatment of dead bodies war crimes. Death is routinely attributed to sudden heart attacks or acute hypotension, despite the bodies showing signs of extreme torture.

Deaths by year

2014 witnessed an increase in the victims of torture in Syrian prisons, with at least 167 Palestinian refugees pronounced dead, up from five victims in 2011. 79 such victims were identified in gruesome pictures leaked by Syrian military police defectors and activists. AGPS figures for victims of torture recorded throughout the seven-year conflict documented the death of five Palestinians in 2011; 38 in 2012; 89 in 2013; 167 in 2014; 144 in 2015; 26 in 2016; and 12 in 2017.

Victims of Torture by Major Province

AGPS found out that 61.75% of Palestinian victims of torture were kidnapped from Damascus and its suburbs, with an estimated number of 331 refugees.

Damascus province topped the list with 239 victims, followed by Rif Dimashq with 92 victims. 23 were, meanwhile, pronounced dead in Daraa, 53 in Hums, 32 in Hama, 28 in Latakia, 19 in Aleppo, and 50 in unidentified locations.

Conclusion

Denied of the legal and physical protection urgently needed at times of insecurity, the Palestinian refugee community has been deprived of the right to fair and speedy trials, attorney assistance, and impartial treatment, among other basic rights.

As death toll has increased dramatically among Palestinians held captive in Syria, alarm bells continue to be sounded over the unabated pace of fatal torture and human rights abuses frequently perpetrated against such an underprivileged community.

Serious action should be made to release the Palestinian refugees arbitrarily held in Syria's government-sanctioned penal complexes and secret cells.

[illegible] time all warring parties ceased their ruthless mistreatment of Palestinian refugees, revealed the fate of dozens of victims of forced disappearance, and discharged withheld corpses of those secretly hanged in undisclosed crypts.

The international community and human rights institutions should also immediately step in and live up to their responsibilities vis-à-vis the war crimes and flagrant violations committed in Syrian prisons.

Independent fact-finding envoys should be urgently dispatched to Syria so as to help brining those involved in torture crimes to international courts and save thousands of Palestinian captives before it is too late.

United Nations A/HRC/39/NGO/35

General Assembly

Distr.: General
30 August 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14277(E)
1814277

Please recycle

The International organizations' role for the respect of Human Rights

Preface

Maat for Peace, development and human Rights (Egypt) submits a report in the context of its interest in the mainstream of international organizations and national institutions which supported by United Nations in favor of the human rights field through UN resolutions. This report has been based on the methodology of the UN resolutions and the Paris Principles of national institutions for the promotion and protection of human rights. Particularly, the recent decision of the Human Rights Council No. 33/6 in 2016 for the role of national institutions and civil society in the prevention of violations of protection and promotion of human rights

In this report, it will be focused on some of Non-Governmental Organizations (NGOs) and National Institutions in some Arab States. By Referring to how the cooperation between those entities and the UN has been transformed into personal-political issues and interests instead of promoting the human rights.

UN resolutions for the protection of human rights

Since 1994, the General Assembly has adopted resolution No. 134/48 on national institutions and the protection of human rights, which was called the Paris Principles. That resolution has emphasized the general role of institutions at the national level in the promotion and protection of human rights and the implementation of international standards. It consists of several principles, including giving national institutions a broad mandate that supported by constitutional articles. As well, providing opinions, recommendations, proposals and reports on the national situation of human rights in general, etc. And please, never forget the decisions that taken prior to this decision.

The General Assembly, in 2013, adopted resolution 68/171 on national institutions for the promotion and protection of human rights, which affirmed the Paris Principles. Thus, the General Secretary was requested to examine it, in order to enable national human rights institutions to participate in United Nations mechanisms. As well as, the Commissioner was asked to strengthen activities related to those institutions.

In 2014, Resolution No. 27/18 was adopted by the Human Rights Council. it is also concerning the national institutions for the promotion and protection of human rights. In which the Secretary-General was requested to provide the Council with a report on the latest activities of the International Coordinating Committee, with regard to the accreditation of national institutions in accordance with the Paris Principles.

Finally, the Human Rights Council adopted a resolution No. 33/6 of 2016. That concerning the prevention of violations in the promotion and protection of human rights and welcoming the role of civil society in the promotion of human rights. Furthermore, it is recognizing the importance of the UPR, in which the Commission was requested to organize a seminar before the 37th session of the Human Rights Council. During this seminar, the role and contribution of CSOs and national human rights institutions would be discussed. In addition to inviting states, UN agencies, intergovernmental organizations and treaty bodies to participate in the workshop, As well, summiting report on the recommendations that resulting from the workshop and recommendations resulting from the resolution, and presenting the report at the 39th session of the Human Rights Council.

The Status of Civil Society Organizations and National Institutions on The Human Rights Domain

Through monitoring the moves of civil society organizations and national institutions following United Nations resolutions, we wil! find changes in approaches and principles of these organizations. Some of them have shifted their battles from defending the human rights generally, to adopt and operate with political issues and goals. There are some states seek to enhance the human rights, while others abusing the United Nations resolutions for just certain political aims. as, the heads and chairmen of these organizations have their own political views and interests that directed the organizations upon. Nevertheless, we get area that filled with political conflicts rather than a humanitarian one.

As well as, the National Committees and Institutions have follow the same approach of their states, that serves their political aims and interests; such as:

- Some of the organizations in consultative status have held their activities within the Human Rights Council to criticize specific states. Not only monitoring violations in these States, but also providing erroneous information to the United Nations mechanisms. On the other hand, they are totally reluctant to criticize other states, that many states and media agencies have accused them directly of supporting and financing terrorism, with objective evidences
- There are consultative status' organizations that are religiously oriented, and have many events in the Human Rights Council. These organizations direct their efforts to help people who become a new believer in a specific religion. In other words, we are facing sectarian organizations in United Nations! Those organizations do not promote human rights as enshrined in the Universal Charter of Human Rights. He international community knows that the human being is the human being, whatever his creed, color or race. Also, those organizations have begun to pay attention to women in areas of conflict and war, and are always issuing statements to support governments that support Islamists and extremist groups.

As for national institutions working to strengthen the human rights profile of the United Nations, there are common practices for these organizations to take advantage of their situation in order to spread an unreal perception and situation of the human rights situation in some countries.

For instance, the National Human Rights Commission of the state of Qatar; a committee working on domestic and international issues. This committee was established to develop a culture of human rights and monitor violations, and working on United Nations mechanisms. But, in practicing, its work and reports are being used against specific states, such as Saudi Arabia and the United Arab Emirates. The commission did not follow up on the local human rights, situation and did not work on it in order to bring it into line with international standards. Though, its overriding concern was the politically oriented reports against other states. The commission did not pay any attention to United Nations standards promoting human rights, but taking the political path rather than humanitarian one.

One of th humanitarian reports that issued in 2017 under the title "Infractions of the National Human Rights Commission of the Paris Principles", came on the sidelines of the 37th session of the Human Rights Council. That report revealed the dimensions of Qatar's violations of human rights and international laws, exposing lies of the National Human Rights Commission of Qatar against the Emirates, Saudi Arabia and Bahrain, with legal, practical and factual evidence. Also, proving that the Qatar's committee Contravenes the Paris Convention, which stating the neutrality, professionalism and independence of the human rights commissions from governments. Also, they use their status to publish reports against other States that are politically motivated.

The report referred to the confessions of Qatari intelligence officer Hamad Ali Mohammed al-Hammadi, who was arrested in the UAE in 2015.Where, he explicitly confessed and acknowledged the widespread subversive role that the Qatari government has adopted over the years toward the UAE and various countries in the region. That happening through the creation of fictitious accounts on social media sites, for instance; the Boaskor and the North Sniper account which aimed at harming the UAE and its important personalities.,

As well as, the report assured that the Qatari committee showed a clear bias to the Qatari government in confronting the diplomatic boycott states. But, on the other hand, it did not perform its required tasks required, which are stated by the Qatari Decree by Act No. 17 of 2010 on the organization of the national human rights commission and the Paris Principles on national human rights institutions.

Finally, there are many countless civil society organizations, which use their consultative status with the United Nations, to exercise their political orientation, without caring for the human rights. As well as, there are two types of National Institutions; first that work for enhancing the human rights around the world. While the other abuse the UN resolutions for serving political interests. Which means that, the criteria for the selection of those organization should be reviewed.

Recommendations

Maat for peace, development and human rights has some recommendations for the Human Rights Council:

- The United Nations should review the criteria and conditions for the accreditation of non-governmental organizations, and reconsider the organizations that have consultative status with the Human Rights Council.
- Review the practices and procedures of the Committee of Non-Governmental organizations of the Economic and Social Council in granting consultative status in order to comply with international standards and to ensure that they will have the full and diverse participation of civil society.
- Avoiding the abuse of judicial procedures, and mis-using the procedural flaws and ways of participation in order to achieve political objectives and orientations.
- Prepare periodical reports on the participation of civil society, including the compatibility of measures taken to enhance participation and practices of civil society.
- Provide occasional review as an independent accountability tool for civil society, on measures taken by civil society for the human rights at the local and international levels through a United Nations review team.

United Nations A/HRC/39/NGO/36

General Assembly

Distr.: General
3 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2018]

* Issued as received, in the language(s) of submission only.

Use of mercenaries by the State of Qatar in Libya and the Syrian Arab Republic: its impact on the right to self-determination and their responsibility for human rights violations

Preface

Maat association has followed up the worsening political and humanitarian situation in Libya and Syria. the situation that emerged with their democratic transition following the popular revolutions. Due to that, Syria and Libya become a fertile ground for the growth of terrorist groups and ignited the civil war, and the egregious violations of human rights
During the previous period, there have been strong indications of interventions by the State of Qatar through mercenaries. Qatar formed the terrorist groups in Syria and Libya, with its financial, logistical, political and media support. Which were directly responsible for disrupting the political process and creating obstacles to the democratic transition in addition to violating the right of citizens of both countries to live in safety.
The activities of mercenaries supported by Qatar in both Libya and Syria contribute to deepening divisions and fuelling conflicts.

Qatari interveation in Libya

Qatar supports terrorist groups with money and arms, it is estimated that Qatar has provided around 750 million euros to these terrorist groups, as the Libyan Fighting Group, the banned Ansar al-Sharia, the Benghazi Revolutionary Shura Council, the Mujahideen Darnah Shura Council and the Defense squads of Benghazi[1].
A video was leaked on the International information Network and some satellite channels of al-Qaeda member Abdul Hakim Belhadj in Libya, in which he spoke of a Qatari delegation of 30 intelligence officers who assisted him during the events, which confirming the full cooperation between Qatar and al-Qaeda in Libya[2].
The Qatari military presence in Libya was revealed by the Qatari armed forces chief of Staff, Major General Hamad bin Ali al-Attiyah, during the meeting of "Friends committee for supporting Libya " on 26 October 2011.[3]
This Qatari recognition was confirmed by Libyan President of the Transitional Council of Libya Mustafa Abdul Jalil, who referred to the key role played by the State of Qatar in managing the battle with the authorities. "Qatar was a key partner in all the battles we fought, a key partner and a genuine actor," he said.[4]

The financial support of Qatar for the terrorism in Libya has been extended to a number of political and religious figures in the Libyan Interior. That financial support aimed at spreading terror and violence, such as Alsalabi and Abdelbaset Ghweila, who are known to belong to the Muslim Brotherhood, which is classified as terrorist group.
French media investigations were revealed in the year 2015, Qatar, with the help of Turkey, pays the salaries of two pilots fighting in the " Fajr Libya" forces[5].
After the killing of Colonel Muammar Gaddafi in October 2011, Qatar also supported the "Raph Allah al-Sahati" Battalion of Ismail Alsalabi, brother of Ali Alsalabi, in Benghazi. The group, along with Ansar al-Sharia group in the city, claimed responsibility for numerous assassinations and car bombs.
In addition to supporting the Libyan Islamic Fighting Group in Darnah, the bulldozers were sent from the port of Misurata to the fighters of the Mujahideen Darnah Shura Council. The relationship between Qatar and the Military Council of Misurata is well known. As, the council's leaders and some of the city's officials, such as Abdul Rahman al-Suweihli, have several visits to Doha[6].
This was confirmed by the leaders of the Libyan army's statements. Hafter said in a statement issued on 28 May 2017 that the army was monitoring the Chadian, Sudanese and African communities in general and the Arab community in Libya. Those communities had entered the country as a result of the lack of border control, with the support of some

1 Qatar and the financing of extremist militias in Libya, Sky News Arabia, June 5, 2017.https://goo.gl/tMkmbh
2 Major scandal, Qatar and the terrorist Abdul Hakim Belhadj seized 160 billion from the central bank of Libya, day 7, May 27, 2017.https://goo.gl/A2aJcB
3 Libya: Qatar's role in toppling the regime of Colonel Gaddafi, Africa news portal, 3 June 2017.

4 Ibid.. . https://goo.gl
5 Quand le Qatar et la Turquie payent des pilotes mercenaire pour bombarder en Libye, Mena Defense, 9/12/2015. https://www.menadefense.net/2015/12/09/qui-est-le-contractor-blanc-qui-pilote-des-mirages-en-libye/
6 Qatar and the financing of extremist militias in Libya, a former reference.

Regional states and states that supporting terrorism. Some of those persons had received funds from Qatar as well as other States and some terrorist militias inside Libya, He added[7].

The Libyan army spokesman, Colonel Ahmed al-Mesmari, also provided evidences which confirming the support of Qatar for terrorists, by providing them with troops and weapons in the fight against the Libyan army. A video was displayed showing an armoured vehicle raising Qatari flag fighting alongside the armed militia, against the Libyan army forces in 2014. .[8]

The National Human Rights Commission of Libya, the Prosecutor of the International Criminal Court and the United Nations High Commissioner for Human Rights, was invited to open an international investigation into the intervention and financial and military support of the State of Qatar for extremist terrorist groups and organizations in Libya[9].

In a statement, the committee said that Qatar had provided support to the so-called "Mujahideen Darna Shura Council ", a terrorist organization of al-Qaeda, and the "the Benghazi Revolutionary Shura Council ". The Benghazi Revolutionary Shura Council allied with the Ansar al-Sharia terrorist group and al-Qaeda-affiliated " the Defense Squads of Benghazi " that associated with the Ansar al-Sharia terrorist. Qatar has gone beyond political and military support to media support, whether through the recruitment of its channels and media outlets to enhance terrorist groups reputation, and to describe their elements as "revolutionaries" and anyone who stands against their project by "anti-revolutionary forces". Or by financing large media projects such as "Alnabaa Channel" that owned by Abdelhakim Belhadj and "Tanasuh" channel, which claimed to be owned by Sadiq al-Ghani.[10]

Fueling chaos in Syria

Libya has become a transit point for money, arms and mercenary fighters to Syria with Qatari support and funding through Turkey. Qatar, through its agents in Libya, Abdul Hakim Belhadj and Mahdi al-Haarti, was able to establish the "Brigade of the nation" in the Syrian governorate of Idlib.

"Alhaarti" appeared in a video in which presenting gifts to the fighters of the "Nation Brigade", new 4x4 vehicles, topped by al-Qaeda flags. "Bel Hadj" and "Alhaarti" were able to lure hundreds of terrorists to move from Libya to Syria to fight there, through Qatari support.[11]

Qatar has contributed to the escalation of the conflict since its inception and throughout the Syrian crisis, through the support and arming of terrorist groups. In particular the "Ahrar al-Sham ", which is close to al-Qaeda, and most of its fighters with the terrorist "Jabhat al-Nusra". Qatari Foreign Minister Khaled al-Attiyah praised "Ahrar al-Sham", saying: "It is a pure Syrian group"[12]. The British newspaper the Telegraph quoted security experts as the organization of "Ahrar al-Sham" around the Syrian uprising against Assad to an "Islamic" uprising.

Terrorist organizations in Syria, such as "ISIS" and "Jabhat al-Nusra", supported by Qatar, have committed widespread systematic violations. as they were targeting civilians with artillery, in addition to cases of kidnappings and executions, the use of children in combat, the illegal banning for humanitarian assistance and torture. Funding by the government of Qatar of terrorist groups in conflict zones in a number of Syrian towns and villages, has also contributed to the closure and demolition of a large number of schools and educational institutions, and the denial of education and educational attainment to millions of Syrian students.

It should be noted that the magazine "Foreign Policy" has issued a report titled "Accusations against Qatar are incalculable." But some of them enough to show a sufficient picture, "in which Qatar policies in the region described as destructive and contributing to destabilization. According to the report, Qatar has transformed the Arab Spring into an opportunity to spread extremism, by funding the Brotherhood and their leadership in Egypt, and by trying to dispute the Egyptian president's legitimacy Abdel Fatah al-Sisi. Qatar has surpassed the role of financier in Libya and Syria, and has armed the extremist groups in Libya and Syria, in contradiction to US policies in both crises[13].

---

7 Hafter accuses Qatar of supporting terrorism in Libya, the Arab news website, May 29, 2017. https://goo.gl/ETFDfZ

8 Uncover new evidence of Qatari terrorism in Libya, Sky News Arabic, July 5, 2017. https://goo.gl/dB9KXH

9 Claims for a comprehensive international investigation into Qatar's intervention in Libya, Arab News website, June 3, 2017.https://goo.gl/79pRHN

10 How did Qatar finance terrorist groups in Libya? previous reference.

11 How Qatar used Libya to support terrorists in Syria, Sky News Arabic, June 10, 2017. https://goo.gl/uC3Jh1

12 Al-Attiyah responds exclusively to CNN on the Russian intervention in Syria and supports Qatar for " Ahrar al-Sham " and Saudi Arabia's support and statements not to exclude the military option, CNN in Arabic, September 11, 2016.https://arabic.cnn.com/middleeast/2015/10/20/me-201015-qatari-fm-intv-0

13 Qatar and the Arab Spring, from financing extremists to arming them, the Arab News website, May 29, 2017.https://goo.gl/P8Vhdk

Many reports of the US State Department, the Treasury Department, Centres and Institutes such as Centre of the penalties and secret financing and the Foundation for Democracy Support, stated that Qatar is the largest country in the region that condones funding for extremist and terrorist groups. Although there are Qatari laws criminalizing such practices, but Qatar do not apply those laws.

Recommendations

- -The need to stop the Qatari authorities from supporting terrorist organizations and entities, and ending interference in the internal affairs of States, which has led to chaos and terrorism in the region.
- -The need to establish a UN commission of inquiry into the crimes committed by the Qatari authorities against the Libyan and Syrian people, by sending foreign fighters "mercenaries", to fight alongside armed militias.
- -The need to prosecute the Qatari authorities for the crimes committed in Libya and Syria, and to provide compensation to these States for all the terrorist acts that have carried out against them.